FUR SEAL ARBITRATION.

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PROCEEDINGS

OF THE

TRIBUNAL OF ARBITRATION,

CONVENED AT PARIS

UNDER THE

TREATY BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN CONCLUDED AT WASHINGTON FEBRUARY 20, 1892,

FOR THE

DETERMINATION OF QUESTIONS BETWEEN THE TWO GOVERNMENTS CONCERNING THE JURISDICTIONAL RIGHTS OF THE UNITED STATES

IN THE

WATERS OF BERING SEA.

VOLUME VIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1895.

COUNTER-CASE

PRESENTED ON THE PART OF THE

GOVERNMENT OF HER BRITANNIC MAJESTY

TO THE

TRIBUNAL OF ARBITRATION

CONSTITUTED UNDER ARTICLE I OF THE TREATY CONCLUDED AT WASHINGTON ON THE 29TH FEBRUARY, 1892,

BETWEEN

HER BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA.

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COUNTER-CASE PRESENTED ON BEHALF OF HER BRITANNIC MAJESTY'S GOVERNMENT TO THE TRIBUNAL OF ARBITRATION.

PRELIMINARY STATEMENT.

A preliminary statement as to the general scheme and construction of the following Counter-Case may be of assistance in its perusal.

For convenience of reference, and in the interests of brevity, it has been found desirable in framing the Counter-Case to follow the arrangement which was adopted in the British Case; as, on perusal of the United States Case, it was observed that the arrangement of the argument contained in the First Part of that Case, namely, that relating to historical and jurisdictional questions, corresponded in a general way with the sub-division of chapters adopted in the British Case. In the following Counter-Case, therefore, there has been placed at the head of each chapter the heading which will be found for the corresponding chapter in the British Case. But inasmuch as the propositions relating to each point appear in the United States Case not unfrequently in more than one passage, there have been added to each heading citations from the United States Case of the propositions put forward in argument on behalf of the United States bearing upon the subject, with a reference to the page of the United States Case from which such citations are taken. In addition there has been placed immediately following, at the head of each chapter, a brief summary of the arguments in reply which are advanced on behalf of the Government of Her Britannic Majesty.

Repetition of the points made in the British Case has, as far as possible, been avoided; though the reply to the United States Case involves, of necessity, in some cases, reference to arguments which had already been urged on behalf of Great Britain.

2 Marginal references to the corresponding passages in the British Case are given.

The first four points submitted in Article VI of the Treaty of the 29th February, 1892, are first dealt with under the various heads above referred to in Chapters I to V.

The fifth question of Article VI, viz.:—"Has the United States any right, and, if so, what right, of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary 3-mile limit?" has been so treated in the United States Case, that in preparing this Counter-Case a somewhat different course to that pursued in relation to the first four questions has been rendered necessary. It will be observed that on page 85 of the United States Case, it is asserted that, quite independently of the jurisdiction over Behring Sea, which was established or exercised by

Russia prior and up to the time of the cession of Alaska, the Government of the United States has a "right of protection and property in the fur-seals frequenting the Pribyloff Islands when found outside the ordinary 3-mile limit"; and it bases this right "upon the established principles of the common and the civil law, upon the practice of nations, upon the laws of natural history, and upon the common interests of mankind."

No arguments are adduced in the United States Case based upon the first of these suggested grounds, viz., the principles of the common and the civil law. But in this Counter-Case, it is proposed in the first instance to deal with the unprecedented nature of the claim, having regard to those principles, and also to reply to the arguments which are adduced, founded upon an alleged practice of nations. This branch of the Case is treated in Chapter VI.

The laws of natural history and the common interests of mankind have, it is submitted, no bearing upon, or relevance in connection with, the question as to the right of protection or property claimed by the United States, to the exclusion of other nations. But as the Government of Her Britannic Majesty contend that the facts alleged as to the natural history of seals, and as bearing upon the common interests of mankind, are wholly, or, to a great extent, inaccurate, these subjects are dealt with in the various sections of Chapter VII.

3 It has not been found necessary to make any additional observations in reference to Chapters VI and VII of the British Case: viz., the action of the United States and Russia from 1867 to 1886, and the various contentions of the United States since the year 1886.

The above subjects are treated of in Part I of this Counter-Case.

The subject of the Regulations (if any) which are necessary, and the waters over which the Regulations should extend, referred to in Article VII of the Treaty, is considered in Part II. For reasons more explicitly stated in correspondence which will be found in the Appendix, the consideration of this point has been treated in this Counter-Case, but only in deference to the wish expressed by the United States that arguments upon all the questions with which the Arbitrators may have to deal should be placed before the Tribunal by means of the Case and Counter-Case. The Government of Her Britannic Majesty have adduced these arguments under protest, and without prejudice to their contention that the Arbitrators cannot enter upon or consider the question of the proposed International Regulations until they have adjudicated upon the five questions enumerated in Article VI, upon which they are by the terms of the Treaty required to give a distinct decision; and upon the determination of which alone depends the question whether they shall enter upon the subject of Regulations. Her Majesty's Government reserve also their right to adduce further evidence on this subject, should the nature of the arguments contained in the Counter-Case on behalf of the United States render such a course necessary or expedient.

See Appendix, vol. i, pp. 1 *et seq.*

PART I.

INTRODUCTION.

Before proceeding to discuss in detail the disputed points raised by the United States Case, it is deemed necessary to refer to the translations of the various Russian documents used and cited in the Case presented on the part of the United States. These consist for the most part of documents belonging to the Official Records or Archives of the Russian-American Company, which were handed over to the United States by Russia under the Treaty of 1867, by virtue of the IInd Article of that Treaty. The original documents are deposited in the Archives of the Department of State at Washington, and have not heretofore been made public.

The translations are set out at pp. 49 to 90, vol. i, of the United States Appendix, and are quoted at pp. 41, 42, 43, 44, 45, 46, 47, 48, 49, 54, 55, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 103, and 104 of the Case.

Fac-similes of the originals are given at the end of vol. i of the Appendix to the United States Case.

Upon the first perusal of the extracts included in the United States Case, certain passages were observed which at once gave rise to the impression that the papers must have been faultily translated. The fac-similes supplied in the Appendix were consequently examined by a competent Russian scholar in the confidential employment of Her Majesty's Government, and a large number of errors and interpolations were discovered of a most important kind. Some few of these were apparently purposeless, but the great majority were of such a nature that they could only be accounted for on the supposition that some person had deliberately falsified the translations in a sense favourable to the contentions of the United States. The matter seemed of so much importance that steps were taken to obtain an independent translation by another hand, which was completed in October, and entirely confirmed the previous impression.

The United States Government independently came to the knowledge of the fact at the beginning of November, and their Agent has given the explanation of it in a communication addressed to the Arbitrators and to the British Agent on the 19th of that month. The United States Agent at the same time gave notice of the withdrawal of a certain number of the documents, and furnished revised translations of the others. Her Majesty's

Government have pleasure in acknowledging that these revised translations, with the exception of one or two small errors of no moment, are perfectly accurate. But there are statements and arguments in the Case founded on the original translations, or depending mainly on them for support, which still remain to be answered, and it will therefore be necessary in the proper place to draw attention to the translations and original documents.

It is not possible, by a mere comparison of the correct and the erroneous translations, to form an accurate opinion of the effect of the insertion of the fictitious and interpolated passages upon the argument contained in the Case for the United States.* Attention will therefore be called, in connection with each branch of the subject, to the manner in which it depends upon such interpolations and errors. When the spurious passages are expunged, and the erroneous translations corrected, it will be found that no evidence remains to support the contentions of the United States (*a*) that the Russian Government and the Russian-American Company claimed and exercised exclusive jurisdiction as to trading and hunting in the Behring Sea, and (*b*) that the Ukase of 1821 was merely declaratory of pre-existing claims which had been enforced therein for many years. The alleged pre-existing claims and their enforcement for many years, so far as they implied any extraordinary maritime jurisdiction, are merely the creations of the translator.

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* For convenience of reference, the original translations furnished by the United States have been printed in parallel columns with the revised translations, and are given in the Appendix to this Counter-Case. (Appendix, vol. i, pp. 11–55.)

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CHAPTER I.

HEAD (A).—*The User up to the year 1821 of the Waters of Behring Sea and other Waters of the North Pacific.*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 25—
"By first discovery, occupation, and permanent colonization, the shores and islands of Bering Sea, the Aleutian chain, and the Peninsula of Alaska became, probably as early as 1800, an undisputed part of the territory of the Russian Empire."

(2.) United States Case, p. 26—
"While the title of Russia to the territory north and west of, and including, the Peninsula of Alaska, was universally recognized, her claim to the Northwest Coast of the American Continent . . . . . was earnestly disputed by more than one powerful nation."

(3.) United States Case, p. 33—
"While the claim of Russia to the territory embracing the Aleutian Islands, the Peninsula of Alaska, and the coasts and islands of Bering Sea was undisputed, the shores and the adjacent islands of the American Continent south of latitude 60° as far as California, were during the latter part of the eighteenth and the first quarter of the present century the subject of conflicting claims on the part of Russia, Great Britain, Spain, and the United States."

(4.) United States Case, p. 42—
"After the Ukase or Charter of 1799, granting to the Russian American Company certain exclusive control of trade and colonization, its authorities, acting under the sanction of the Russian Government, did not permit foreign vessels to visit Bering Sea."

(5.) United States Case, p. 49—
"The Ukase of 1799, which set forth a claim of exclusive Russian jurisdiction as far south as latitude 55°, called forth no protest from any foreign Powers, nor was objection offered to the exclusion of foreign ships from trade with the natives and hunting fur-bearing animals in the waters of Bering Sea and on the Aleutian Islands as a result of that Ukase and of the grant of exclusive privileges to the Russian-American Company."

(6.) United States Case, p. 69—
"Prior and up to the date of the treaties of 1824 and 1825, Russia did assert and exercise exclusive rights of commerce, hunting, and fishing on the shores and in all the waters of Bering Sea."

SUMMARY OF BRITISH REPLY.

The title said in Contention (2.) to have been "universally recognized," is not shown to have been recognized at all during the period in question. Her only Settlement north of the Aleutian Islands was Nushagak, with five Russian inhabitants, founded in 1818. Any title by discovery was open to doubt. There was none by occupation or colonization.

7 Throughout the evidence which relates to this period, no distinction, as regards the title of Russia or its recognition by other nations, is drawn between coasts north and south of latitude 60°.

The Ukase of 1799 purported to grant the Russian-American Company rights exclusive of other Russian subjects, but not of foreigners; such exclusive rights were only exercisable on land; no exclusion of foreign vessels from Behring Sea, or from fur-hunting there, is shown; and the only evidence adduced of the sanction of the Russian Government to any such course, consists in the interpolations, since withdrawn, of a translator in contemporary documents.

The Ukase of 1799 was not notified to foreign Powers, and had no operation as against foreigners.

The only assertion by Russia of exclusive rights in Behring Sea was in 1821, and that on paper merely.

CONTENTION THAT RUSSIAN TITLE TO EASTERN SHORES OF BEHRING SEA WAS UNDISPUTED.

NO DISTINCTION IN RUSSIA'S TITLE AT LATITUDE 60°.

The first three contentions, of which, save for the mention of latitude 60° in the third, the second and third are for the present purpose substantially identical, may be dealt with together; premising that, prior to the year 1821, no distinction, as regards the title of Russia, had been drawn between coasts north and south of that latitude; nor will any hint of such distinction be found throughout the evidence which relates to the period now in question.

NO EVIDENCE OF RECOGNITION OF HER TITLE.

There is, prior to 1824, no evidence of recognition by any nation of the claim of Russia to the eastern shores of Behring Sea. Their outlines were unknown to geographers before the explorations of Cook in 1778 and 1779, and there is practically no evidence of any assertion of "right of dominion" over them by Russia prior to the Ukase of 1799, which apparently bases this right on "discovery by Russian navigators in remote times." The translation of that Ukase in the British and United States Cases, which was taken from Bancroft's "History of Alaska," alleges "right of possession" by Russia; but these words are wanting in the original, of which a correct translation is given in the present Counter-Case.

See *post*, p. 11.

United States Case, p. 24.

The authority of Captain Cook is invoked as proving the existence of "Russian influence and customs" upon the eastern shores of Behring Sea. Even if he had found instances of Russian "influence and customs," this would not prove Russian occupation or possession of this very extensive line of coast. But his narrative, on the contrary, shows that along the whole coast-line he met with no Russians or other civilized people, but only with tribes of the native inhabitants. Captain Cook further states that the Russians he met at Unalaska were—

Cook's Voyage, vol. ii, p. 496.

> strangers to every part of the American coast, except what lies opposite this island.

Ibid., p. 499.

At Samganoodha, on the Island of Unalaska, Captain Cook met a Russian named Erafim Gregorioff Sin Ismyloff, whom he describes as the principal person amongst his

countrymen in this and the neighbouring islands; and with reference to the continent north of Unalaska, Captain Cook says:

Both Ismyloff and the others affirmed, that they knew nothing of the continent of America to the northward; and that neither Lieutenant Synd, nor any other Russian, had ever seen it of late. . . . From what we could gather from Ismyloff and his countrymen, the Russians have made several attempts to get a footing upon that part of this continent, that lies contiguous to Oonalashka and the adjoining islands, but have always been repulsed by the natives; whom they describe as a very treacherous people.

Captain Cook further observes: Ibid., p. 498.

I found that he [Ismyloff] was very well acquainted with the geography of these parts, and with all the discoveries that had been made in them by the Russians.

Ismyloff furnished Captain Cook with Charts, as to one of which he writes: Ibid., p. 502.

The second chart . . . . comprehended all the discoveries made by the Russians to the eastward of Kamtschatka, toward America; which, if we exclude the voyage of Beering and Tscherikoff, will amount to little or nothing.

The writer says, in conclusion: Ibid., p. 506.

They assured me, over and over again, that they knew of no other islands, besides those which were laid down upon this chart; and that no Russian had ever seen any part of the continent of America to the northward, except that which lies opposite the country of the Tschutskis. [The country of the Tschutskis here mentioned is the western side of Behring Straits.]

9 Captain Cook's view of the extent of the Russian sovereignty on the American cost is likewise shown by his action in taking possession for Great Britain at certain places along that coast. His instructions contained the following clause:

You are also, with the consent of the natives, to take possession, in the name of the King of Great Britain, of convenient situations in such countries as you may discover, that have not already been discovered or visited by any other European Power; and to distribute among the inhabitants such things as will remain as traces and testimonies of your having been there; but if you find the countries so discovered are uninhabited, you are to take possession of them for His Majesty, by setting up proper marks and inscriptions, as first discoverers and possessors. Cook's Voyage, vol. i, p. xxxiv.

In pursuance of these instructions, Cook left a record of his discovery on Kaye's Island, near Prince William Sound, and landed and took formal possession of the country in Cook's Inlet and at Cape Newenham, near the mouth of the Kouskokvim River, in Bristol Bay. The last-named place is on the eastern shore of Behring Sea. Ibid., vol. ii, p. 350. Ibid., p. 397. Ibid., p. 433.

The Pribyloff Islands themselves were not discovered until 1786 and 1787, and as late as 1821 it appears to have been unknown whether there were islands to the northward of them. United States Case, pp. 23, 24. Ibid., Appendix, vol. i, p. 58.

RUSSIA'S SO-CALLED SETTLEMENT, NUSHAGAK, WITH FIVE RUSSIAN INHABITANTS.

The only Russian settlement, if such it can be called, upon the eastern shore of Behring Sea mentioned in the United States Case. is that of Nushagak, in Bristol Bay, which appears not to have been established until 1818, and to have contained in 1819 no more than five Russian inhabitants.

United States Case, p. 25.
British Case, Appendix, vol. i, p. 42.

Mr. Blaine himself, in a despatch to Sir J. Pauncefote, dated 17th December, 1890, says:

Ibid., Appendix, vol. iii.
"United States No. 1 (1891)," p. 44.

> At the time these Treaties [of 1824 and 1825] were negotiated, there was only one Settlement, and that of Russians, on the shores of Behring Sea.

The inability of the Russian-American Company to maintain any effective hold upon the territory which it claimed, is freely confessed by the Minister of Finance in his letter to the Minister of Marine, dated the 9th April, 1820.

United States Case, Appendix, vol. i, p. 49.
See also Appendix, vol. i, p. 11.

In the discussion of the Convention of 1824 which will be found in "Lyman's Diplomacy of the United States," it is explicitly stated:

Lyman's "Diplomacy of the United States," 2nd edition, Boston, 1828, vol. ii, p. 297.

> We have said nothing of the coast to the northward of Bristol Bay, because it has never been pretended, that the Russians had any settlements on that side.

NO RUSSIAN SETTLEMENT IN OR TO THE NORTH OF THE ALASKAN PENINSULA.

Upon the official Russian Map published in 1802, which will be found in Appendix IV to the British Case, there is a manuscript note in the following words:

British Case, Appendix, vol. ii, Part I, p. 4.

> La Compagnie ne posséde point d'établissemens dans et au nord de la Presqu'île Alaska, quoique ses vaisseaux visitent ces régions.

It is also to be noted that, when the questions raised by the Russian-American Company on the Treaty of 1824 with the United States were referred to a Committee of Russian Dignitaries, this Committee on the 21st July, 1824, limited their assertion to the statement:

Revised translation, Appendix, vol. i, p. 34.

> That . . . . Russia has established permanent settlements, not only on the coast of Siberia, but also on the Aleutian group of islands.

Had there existed any settlements on the eastern coast of Behring Sea, it is obvious, from the nature of the Report, that these would have been mentioned.

The fact is, that upon the entire north-west coast of America from Behring Straits to the Alaskan Peninsula. up to 1824 practically no title by occupancy had been established at all, and any title by discovery was open to doubt and dispute.

Had any other Power taken possession of any part of the coast which Russia did not actually occupy, Russia could not have successfully asserted any claim thereto; and if other nations had pushed their trade north of, as they did up to, the Alaskan Peninsula, there was no

ground on which Russia could have successfully maintained any protest. The territorial right by itself
11 was not thought worth disputing; and for practical purposes the coast, as far south as Behring Bay, was then considered as worthless as a floating iceberg.

North American Review. British Case, Appendix, vol. i, p. 33. United States Case, p. 25.

It is submitted, therefore, that there is no foundation for the assertion that—

> by first discovery, *occupation, and permanent colonization the shores and islands of Bering Sea*, the Aleutian chain, and the Peninsula of Alaska became, probably as early as 1800, an undisputed part of the territory of the Russian Empire.

While no other nation drew any distinction between the title of Russia upon the American coast to the north and to the south of latitude 60°, Russia herself made no such distinction, but dealt alike with the whole north-west coast from the 55th degree to Behring Strait, up to the year 1821.

The Ukase of 1799 asserts this plainly. The following is a correct translation of the original Russian document, as given by Golovnin and Tikhménieff:

UKASE OF 1799, CORRECTLY TRANSLATED.

We, Paul I, by the Grace of God, Emperor and Autocrat of All the Russias:

[Here follows the full title of His Imperial Majesty.]

To the Russian-American Company under our high protection:

The profit and advantages accruing to our Empire from the industries and trade carried on by our faithful subjects in the north-eastern sea and in that part of America have attracted our attention and consideration; wherefore, taking under our immediate protection the Company which exists for the purpose of carrying on those industries and that trade, we order it to be called the Russian-American Company under our high protection, and we command our military authorities to make use of our land and sea forces, at its request, in the way best fitted to support the enterprises of the Company; and having drawn up for the Company such Rules as are best fitted to assist and encourage it, we are pleased to grant to it, by this our Imperial Charter, the following privileges for twenty years from this date:

1. In view of the discovery by Russian navigators in remote
12 times of the coast of North-Eastern America* from 55° north latitude, and of the chains of islands extending from Kamtchatka in a northerly direction to America and in a southerly direction to Japan, and on the strength of the right of dominion over them which belongs to Russia, we graciously permit the Company to enjoy *the profits of all industries and establishments* now existing on the north-eastern coast of America, from the aforesaid 55° to Behring Strait and beyond that strait, as well as on the Aleutian and Kurile Islands and the other islands situated in the north-eastern ocean.

2. The Company may make new discoveries not only to the north of 55° north latitude, but also south of it, and may incorporate the territories it discovers into the Russian dominions under the conditions laid down in the existing Rules, if those territories have not been occupied by other nations, and have not become subject to them.

3. The Company shall enjoy in the territory mentioned everything which it has discovered or may discover on the surface of the earth or below it, and no one shall be entitled to dispute its right to this.

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*The above error, in the Ukase of 1799, appears to have originated in the Agreement of 1778 between Shelikoff and Golikoff. Golovnin points out its occurrence in that Agreement, writing:—"'For north-eastern and northern America.' This mistake arose from the stupidity and ignorance of geography of some Irkutsk writer or other, who drafted the Agreement; he ought to have said: 'to the north-western shores of America.'" ("Materalui," Part I, p. 55.)

4. We graciously permit this Company in future to establish such Settlements as may be required, and to erect such fortifications as it may consider necessary for its security, and to send to those regions without any hindrance ships conveying merchandize and its employés.

5. The Company may make voyages to all neighbouring countries, and may carry on trade with all neighbouring nations with the consent of their Governments, and after obtaining our high sanction, in order that greater power and profit may accrue to the Company from its enterprises.

6. The Company may employ for navigation, and for its industries and establishments, persons of all classes who are free and of good reputation, and who desire to make a lawful use of such liberty; in view of the great distance of the places to which they will go, our authorities shall grant to State colonists and other free persons passports available for seven years; no serfs shall be engaged by the Company without the consent of their masters, and the Company shall pay to the Government the proper dues for all persons whom it may take into its service.

7. Although our Imperial Decrees forbid the cutting of wood anywhere without the sanction of the College of Admiralty; nevertheless, in consideration of the distance which separates that body from the Okhotsk territory, permission is granted to the Company to cut wood, without making any payment, whenever they require it for repairing their ships or for building new ones.

8. The Company may obtain annually from the Government artillery stores at Irkutsk from 40 to 50 poods of gunpowder, and from the Nertshinsk mines 200 poods of lead, for ready money, at the market price, for shooting game, for signals at sea, and for any unforeseen contingency on the mainland of America or on the islands.

9. If one of the shareholders of the Company has become a debtor of the State or of private persons, and if his property, apart
13 from his share in the Company, is not sufficient to meet his liabilities, his capital shall be sequestrated; but, as, according to the constitution of the Company, the capital cannot be withdrawn, the parties to whom it is assigned cannot realize it, but can only take the place of the debtor and obtain their proper share of the profits when a division takes place. At the expiration of the term of the privileges of the Company, their share of the capital will be paid over to them.

10. In granting to the Company for a period of twenty years, throughout the entire extent of the lands and islands described above, *the exclusive right to all acquisitions, industries, trade, establishments, and discoveries of new countries*, we declare that these advantages and privileges shall not be enjoyed by any persons who may wish to make voyages to those regions on their own account, or by any of those who, having hitherto been engaged in this trade, and having their ships and merchandize in those regions, some even holding shares in the Company, refuse to join the latter. It is, however, open to these latter persons, if they will not join the Company in the manner prescribed by the Regulations, to continue to exercise these industries and to enjoy the advantages connected therewith under the same conditions as heretofore, *but only until the arrival of their ships in Russia*, after which date no one shall have these privileges but the Company alone, under the penalty of losing everything that is established for its benefit.

11. All Courts shall recognize the Board of Directors of the Russian-American Company under our protection as established for the management of the affairs of the Company, and all notices issued by Courts in matters which concern the Company shall be served on that Board, and not on one of the shareholders.

In concluding this our Imperial Charter, we order all our military and civil authorities and Courts not only not to prevent the Russian-American Company under our protection from enjoying all the privileges granted by us, but also, if necessary, to protect it from any losses or harm which may threaten it, and to aid and protect the Board of Management in every way.

UKASE SAYS NOTHING OF HUNTING GROUNDS OR HUNTING, AND ALLEGES NO POSSESSION.

It is to be observed that in the Ukase there is no reference to hunting grounds or hunting, the passages in Articles 1 and 10, in which those words appear in the translation taken from Bancroft, referring, in fact, to industries, trade, and establishments. Articles 1 and 2, as given in Bancroft, differ materially from the same Articles as given above. They allege "possession" by Russia, instead of mere "right of dominion," founded apparently on "discovery;" they omit to speak of the coast "beyond" Behring Strait; and they only faintly indicate that which is now clearly established, that the Russian Government had in view the fact that territory on the coast to the north as well as to the south of latitude 55° was still unincor-
14 porated in Russian dominions, and might even have "become subject" to other Powers. Article 10, as now translated, allows traders to exercise their industries as before, "but only until the arrival of their ships in Russia;" which words, omitted in Bancroft, show that Russian competition only was in view.

See *ante*, p. 7.

RUSSIAN COMPETITION ONLY WAS EXCLUDED BY UKASE.

It will be noted that this Ukase dealt impartially with the Russian Settlements on the whole of the coast described, without distinction as to latitude; and in the absence of any distinction between the northern and the southern portions of the coast affected by that document, the facts stated in Chapter I of the British Case have equal weight in the consideration of the existence and extent of Russian jurisdiction over any and every part of the coast so claimed, and are sufficient to demonstrate that foreigners were allowed to trade there freely without molestation or interference.

FOREIGNERS ALLOWED TO TRADE FREELY OVER WHOLE COAST FROM LATITUDE 55° NORTH-WARD.

In the discussion on the Ukase of 1821, which took place between Count Nesselrode, Count Lieven, and the Duke of Wellington while they were attending the Congress of Verona, Count Nesselrode gave to the Duke of Wellington, a Memorandum, under date the 11th (23rd) November, 1822, in which, as already stated at p. 43 of the British Case, the following passage occurs:

> Les mesures de précaution et de surveillance qui seront prises alors sur la partie Russe de la côte d'Amérique se trouveront entièrement conformes aux droits dérivant de sa souveraineté, ainsi qu'aux usages établis entre nations.

British Case, Appendix, vol. ii, Part I, p. 25.

To this Memorandum the Duke, in a note to Count Lieven, dated the 28th November, 1822, promptly objected:

> VERONA, *November 28, 1822.*
>
> M. LE COMTE: Having considered the paper which your Excellency gave me last night on the part of his Excellency Count Nesselrode on the subject of our discussions on the Russian Ukase, I must inform you that I cannot consent, on the part of my Government, to found

British Case, Appendix, vol. ii, Part I, p. 25.

on that paper the negotiations for the settlement of the question which has arisen between the two Governments on this subject.

We object to the Ukase on the grounds:

GREAT BRITAIN WILL NOT ACKNOWLEDGE EXISTENCE OR EXTENT OF RUSSIA'S EXCLUSIVE SOVEREIGNTY IN NORTH AMERICA.

1. That His Imperial Majesty assumes thereby an exclusive sovereignty in North America of which we are not prepared to acknowledge the existence or the extent. Upon this point, however, the Memorandum of Count Nesselrode does not afford the means of negotiation, and my Government will be ready to discuss it either in London or St. Petersburgh whenever the state of the discussions on the other question arising out of the Ukase will allow of the discussion.

EXCLUSION OF VESSELS OF OTHER NATIONS FROM OPEN SEA, OBJECTED TO.

2. The second ground on which we object to the Ukase is that His Imperial Majesty thereby excludes from a certain considerable extent of the open sea vessels of other nations.

British Case, Appendix, vol. ii, Part I, p. 25.

We contend that the assumption of this power is contrary to the law of nations, and we cannot found a negotiation upon a paper in which it is again broadly asserted. We contend that no Power whatever can exclude another from the use of the open sea. A Power can exclude itself from the navigation of a certain coast, sea, &c., by its own act or engagement, but it cannot by right be excluded by another. This we consider as the law of nations, and we cannot negotiate upon a paper in which a right is asserted inconsistent with this principle.

"I think, therefore, that the best mode of proceeding would be that you should state your readiness to negotiate upon the whole subject, without restating the objectionable principle of the Ukase, which we cannot admit.

Ever yours, &c.,

(Signed) WELLINGTON.

Finally, on the 29th November, 1822, the Duke reports to Mr. G. Canning, British Secretary of State for Foreign Affairs, that the Memorandum of the 11th (23rd November) is withdrawn, and that the Emperor of Russia is ready to negotiate upon—

Ibid., p. 26.

the whole question of the Emperor's claims in North America, reserving them all if the result of the negotiation should not be satisfactory to both parties.

UNITED STATES CONTEST RUSSIA'S RIGHT TO ANY TERRITORIAL ESTABLISHMENT IN AMERICA.

See "Memoirs of John Quincy Adams," vol. vi, p. 163.

That the Government of the United States did not recognize as "undisputed" the claim of Russia to the coasts of Behring Sea, is also clear from the statement made by Mr. Adams, the United States Secretary of State, on the 17th July, 1823, to Baron Tuyll, the Russian Minister at Washington, that—

we should contest the right of Russia to *any* * territorial establishment on this continent.

British Case, p. 34.

Mr. Adams reiterates this contention in a despatch to Mr. Middleton, the United States Minister at St. Petersburgh, dated the 22nd July, 1823, in which, referring to the Ukase of 1799, he declares that—

Ibid., Appendix, vol. ii, Part II, p. 4.

Russia had never before *asserted* * a right of sovereignty over any part of the North American continent.

*The *italics* are in the original.

RUSSIA'S FIRST ASSERTION OF SOVEREIGNTY WAS IN 1799.

In a letter of the same date, addressed to Mr. Rush, United States Minister in London, Mr. Adams says: United States State Papers, vol. v, p. 446. Appendix, vol. i, p. 56.

HER RIGHT OF DISCOVERY FANCIFUL.

It appears upon examination that these claims have no foun-
16 dation in fact. *The right of discovery on this continent, claimable by Russia, is reduced to the probability, that in 1741, Captain Tchirikoff saw from the sea the mountain called St. Elias,* in about the 59th degree of north latitude. The Spanish navigators, as early as 1582, had discovered as far north as 57° 30′.

* * * * *

It never has been admitted by the various European nations which have formed settlements in this hemisphere that the occupation of an island gave any claim whatever to territorial possession on the continent to which it was adjoining. The recognized principle has rather been the reverse, &c.

NO CLAIM PRIOR TO 1821, TO EXCLUDE VESSELS OF OTHER NATIONS FROM BEHRING SEA.

But whatever may have been the claims of Russia, whether admitted or not, in respect of the north-west coast of America and the islands adjacent thereto, no claim had ever been made prior to the year 1821 to exclude vessels of other nations from navigating the waters of Behring Sea, or to exercise jurisdiction over the waters of that sea as *mare clausum*, or an inland sea. On the contrary, the ground or justification for the attempted interference by Russia in the year 1821 was the competition with the Russian-American Company by the vessels and traders of other nations. This is sufficiently shown by the authorities quoted in Chapter I, Head (A), of the British Case, and by the letters Nos. 1, 2, 3, 4, and 5 in the correspondence of the Russian-American Company, which contain numerous references in the nature of complaints as to the presence of foreign competitors in trade.

Appendix, vol. i, pp. 11-21. United States Case, Appendix, vol. i, pp. 49-57.

CONTENTION THAT UKASE OF 1799 ASSERTED EXCLUSIVE RIGHTS, AND WAS ACQUIESCED IN BY FOREIGN POWERS.

UKASE IN FORM DOMESTIC AND NEVER NOTIFIED TO FOREIGN STATES.

The fifth contention at the head of this Chapter, which may be conveniently taken before the fourth, is in substance that the Ukase of 1799 called forth no protest or objection from foreign Powers. To this it may be answered, in the words of Mr. Middleton, that—

this ukase, which is, in its *form,** an act purely domestic, was never notified to any foreign State with injunction to respect its provisions.

Mr. Middleton to Mr. Adams, American State Papers, Foreign Relations, vol. v, p. 461.

In point of fact, Her Majesty's Government have been unable to discover that the Ukase of 1799 was communicated to any foreign Government in any form whatsoever.

Ante, pp. 11-13. British Case, pp. 29-34.

* The *italics* are in the original.

Moreover, as appears from the provisions of the Ukase itself, it dealt only, as was pointed out by Mr. Middleton and by Mr. Adams, with the rights of the Russian-
17 American Company, to the exclusion of other Russian subjects; a fact which the correct translation of the Ukase brings out more clearly.

NO CHARTER OF RUSSIAN-AMERICAN COMPANY, EXCEPT THAT OF 1821, PURPORTS TO AFFECT FOREIGNERS.

United States Case, Appendix, vol. i, 14, 24, and 28.

In support of the view that the Charters to the Russian-American Company were not and did not purport to be international documents, but purely domestic acts, not intended to affect foreign nations, reference may be made to the terms of the documents themselves and to those the Ukases commented upon hereafter at p. 61 *et seq.* In each case, with the single exception of the Charter based directly upon the Ukase of 1821, their terms are strictly limited to the exclusion of Russian subjects only.

United States Case, vol. i, p. 24.

British Case, pp. 23, 24.

The object of the Charters was not in any way to control foreigners; but, in the first instance, to consolidate the numerous rival Russian Companies which were competing with each other, and by their competition giving rise to gross abuses; and subsequently to protect the Consolidated Company.

Ibid., p. 28.

It is again to be noted, that the *exclusive* rights specially granted to the Russian-American Company by the Ukase of 1799 were rights to be exercised on land already acquired or thereafter to be discovered within the prescribed area, and not over non-territorial *waters* of Behring Sea or any other non-territorial waters.

CONTENTION THAT, UNDER UKASE OF 1799, FOREIGN VESSELS WERE NOT ALLOWED TO VISIT BEHRING SEA.

It is now necessary to deal with the contentions—

(4.) That, under the Ukase of 1799, the Russian-American Company, acting under the sanction of the Russian Government, did not permit foreign vessels to visit Behring Sea; and

(6.) That, up to the date of the Treaties of 1824 and 1825, Russia did assert and exercise exclusive rights of commerce, hunting, and fishing in all the waters of Behring Sea.

NO INSTANCE OF EXCLUSION.

British Case, p. 32. Golovnin, "Materalui," Part I, Table of Contents.

Neither of these allegations is supported by the facts. The domestic character of the Ukase itself has been already shown; and the report of Golovnin, written in 1818, as to the "Company's colonies," speaks of the importance of presenting a better appearance to "foreigners visiting these parts." No instance is to be found of Russia preventing foreign vessels from visiting Behring Sea; and it must be remembered that the Ukase of 1799 applied equally to the whole coast of America from Beh-
18 ring Straits to latitude 55°. There were at all times foreign vessels trading to places north of latitude

55°, where the Ukase was intended to have the same operation as in Behring Sea itself.

DISALLOWANCE OF RICCORD-PIGOTT CONTRACT INVOLVED NO MARITIME JURISDICTION.

On the other hand, the solitary instance in which it is alleged on the part of the United States that Russia actually asserted exclusive rights over Behring Sea prior to 1821, is the case of the Riccord-Pigott contract in 1819. Three letters (dated 10th April, 1820, 23rd April, 1820, and and 31st March, 1821) are relied upon as— United States Case, p. 45. Appendix, vol. i, pp. 13, 16, and 18.

> illustrating the complete control which Russia claimed and actually exercised over Behring Sea prior to 1821. United States Case, p. 45.

From the facts alluded to in these letters, it appears that Riccord, the Superintendent of Kamtchatka, had made an agreement with Pigott, an Englishman, for ten years, from 1819— Letter, April 23, 1820. Revised translation, Appendix, vol. i, p. 17.

> with reference to fishing for whales and extracting oil from these and other marine animals on the shores of Kamtchatka and on those of all Eastern Siberia, in the harbours and bays and amongst the islands.

This contract was undoubtedly disapproved by the Russian Government, which, having granted to a Russian Company a monoply of trade in these regions, to the exclusion of all other Russian subjects, was naturally unwilling to allow any part of this monopoly to be enjoyed by foreigners. The Russian-American Company was therefore instructed to turn its attention to the whale fishery, and to employ a ship in fishing, the reason given being, as appears from the following quotation, that— Letter, April 10, 1820, paragraph 1. Revised translation, Appendix, vol. i, p. 13.

> the whale-fishing industry may be of use as a means of assisting the inhabitants of Kamtchatka and Okhotsk when the other fisheries fail.

The Government further ordered that no foreigner should be allowed to enter a merchant guild, or to settle at Kamtchatka or Okhotsk, and that no foreign merchant-vessel should be permitted— Ibid., paragraph 2. Revised translation, Appendix, vol. i, p. 14.

> to trade at those places under any circumstances, or to enter the ports of Eastern Siberia except in case of distress. . . . . Furthermore, the Englishman Davis at Okhotsk, and Dobello's agent in Kamtchatka are to be informed . . . . that the Government refuses them permission to remain at those places, or to build houses or hold real property there; the local authorities shall afford them all proper facilities for disposal of their property and leaving the country.

These instructions have been quoted because
19 they show clearly that the Russian Government exercised in this instance no jurisdiction other than the ordinary territorial jurisdiction which attaches to every nation in right of its possession of the soil, and that they made no attempt to exclude foreign vessels from navigating the ocean.

The rest of the correspondence concerning this matter has, since the presentation of the United States Case been produced by the United States, in reply to a notice by the British Agent under Article IV of the Treaty of the 29th February, 1892. It is given in the Appendix to this Counter-Case, and it is submitted that it clearly proves that Appendix, vol. i, pp. 60–63.

Pigott frequented the Behring Sea from 1819 to 1822, and was not merely an accidental visitor to Kamtchatka in 1819. He was one of many traders who had visited places on both shores of the Behring Sea, and he had pushed his trading on the American coast as far as Kotzebue Sound, north of Behring Straits. The following are extracts from the correspondence.

In a Report to the Russian-American Company, dated, apparently from Sitka, January, 1821, it is stated:

Ibid., pp. 62, 63. On the 29th September [1820] the American brig "Pedlar" arrived at this port. Her captain is Meek, a brother of Meek who is well known to you. She had on board Mr. Pigott, with whom you are well acquainted. He was the supercargo or owner; for the cargo was under his control, and he directed the movements of the ship. He had come from Kamtchatka in eighteen days.

* * * * *

There were at that time two men-of-war on the roadstead, and this fact afforded me frequent opportunities of meeting Pigott, for he was acquainted with the officers of both of them. *They had met beyond Behring Straits in Kotzebue Sound,* and had been anchored there together. He said, in a hesitating way, that *he had been trading there.*

* * * * *

I must confess that *I was wrong when I said,* in a letter to Michael Michailovitch, *that a single man-of-war would be sufficient to put an end to this traffic.* To tell the truth, I did not believe it at the time; but I was afraid that a whole squadron, or at least a couple of frigates, would come down upon us. This prospect frightened me, both as Manager of the American Colonies and as a Russian. They would have eaten up all our provisions, and cost the Emperor a lot of money, without doing much good.

* * * * *

What hope is there that a single frigate will be able to stop this traffic on our shores, abounding in straits and excellent harbours, *and so well known to these Americans that they may be called the pilots of these coasts?* They will always be on good terms with the natives. . . .

20 On the 1st February, 1820, the Governor-General of Siberia wrote to Count Nesselrode, Secretary of State, a letter containing the following passages:

BARTER BY UNITED STATES CITIZENS AT RUSSIAN ESTABLISHMENTS.

Appendix, vol. i, p. 60. (1.) *We are familiar with the complaints made by the American Company in regard to the bartering carried on by citizens* of the United States at their establishments, and in regard to their supplying the natives with fire-arms. *These complaints are well founded, but nothing can be done in the matter.* It would be useless to apply to the United States Government to stop the trading; the commercial rules of the United States do not allow such interference on the part of their Government. *The only thing to be done is* for the Company to endeavour to strengthen the defences of the principal places in the Colonies, and for the Government, at least, *not to favour this foreign trade.* But the establishment of a whale fishery on the eastern shores of Siberia would undoubtedly favour it in a high degree. The establishment of a whale fishery would be a pretext for, and an encouragement to, foreign trade.

(2.) Although the fur industry in Kamtchatka and Okhotsk, which has been declining from various causes, has now become unimportant, nevertheless, the present trade and its prospects for the future are in the hands of Russian traders. If an industry in the hands of foreigners is established on the coast, the whole trade will certainly pass into foreign hands. In this thinly-populated region it is impossible to establish an effective supervision; moreover, *how is the importation of brandy, rum, &c., to be prevented?*

* * * * *

RUSSIA DOES NOT PREVENT FOREIGNERS FROM WHALING.

(4.) *M. Ricord says*, in his letter, *that, owing to the smallness of our forces* in that part of the world, *we cannot prevent foreigners from whaling.* In the first place, we may not be so weak as he supposes. The occasional appearance of a single properly armed ship may be sufficient to keep quiet and disperse all these whalers. In the second place, if they are able to get possession of this industry by force, why should this force be sanctioned by a formal Agreement?

The following extract from a letter from the Board of Management of the Russian-American Company to Captain Muravieff, Chief Manager of the Russian-American Colonies, concerning Pigott, is also interesting:

(No. 149.) FEBRUARY 28, 1822.

The Board were aware that Captain Pigott, who was at Kamtchatka, intended to sail thence to our Colonies, and your despatch No. 8 of the 18th January, 1821, confirmed them in their belief that he proposed to visit waters belonging to Russia. He has paid you a visit, as you report, under stress of weather, and you have done right in assisting him; but he would never have come to Novo-Arkhangelsk if he had not been forced to put into that port; *what he meant to do was to collect furs secretly at other places. It was with this object, and in order to* 21 *get a footing for this purpose on the Aleutian Islands or on the northern islands situated in the direction of Behring Strait,* that he made his proposal, of which you have already been informed, with regard to whaling and fishing for the benefit of Kamtchatka and Okhotsk; in the meantime, he has been asking permission from Dobello, M. Ricord's friend, to trade with the Tshuktshes [on the northern Asiatic coast], and to use the Russian flag while so engaged. Ibid., p. 62.

THE ONLY EVIDENCE OFFERED OF RUSSIAN JURISDICTION OVER WATERS CONSISTS IN TRANSLATOR'S INTERPOLATIONS.

Several passages are quoted from the correspondence of the Russian-American Company in the Case presented on behalf of the United States, as proving the assertion by Russia of jurisdiction over waters; but it will be found that the alleged proof is supported only by passages which are not contained in the original documents, and have been interpolated.

The quotations are set out below, the interpolated passages being printed in small capitals and underlined and enclosed in brackets. United States Case, pp. 43, 44.

Thus at pp. 43 and 44, the United States rely on the following extracts from a letter dated the 9th April, 1820, from the Russian Minister of Finance to the Russian Minister of Marine:

It appears of the most imperative necessity for the preservation of our sovereignity in the north-western part of America [AND ON THE ISLANDS AND WATERS SITUATED BETWEEN THEM], to maintain there continuously two ships of the Imperial fleet.* (For revised translation, see Appendix, vol. i, p. 11.)

*This type, inclosed in brackets, always denotes an interpolation of the kind mentioned in the Introduction. A reference to the interpolations would now be immaterial, were it not that it is necessary to show to how large an extent the case of the United States rests upon them.

After suggesting that two vessels should be dispatched during that year, one to cruize from Sitka westward and northward, the letter as quoted purports to continue:

(For revised translation, see Appendix, vol. i, p. 12.)

The commander . . . . having thoroughly examined the shores of the Aleutian Islands, the coast of Kamchatka, the Kurile Islands [AND THE INTERVENING WATERS], he may return for the winter to the harbour of Petropavlovsk. The other ship, however (sailing from Petropavlovsk), having examined the eastern coast of the Kamchatka Peninsula up to 62° of northern latitude, and the west coast of America from this latitude to the Island of Unalaska [AND THE INTERVENING WATERS (BERING SEA)], should proceed to Kadiak, and from there to Sitka for the winter. The object of the cruizing of two of our armed vessels in the localities above mentioned is the protection of our Colonies [AND THE EXCLUSION OF FOREIGN VESSELS ENGAGED IN TRAFFIC OR INDUSTRY INJURIOUS TO THE INTERESTS OF THE RUSSIAN COMPANY, AS WELL AS TO THOSE OF THE NATIVE INHABITANTS OF THOSE REGIONS].

22 At p. 46 the following quotation is given from a letter, dated the 10th April, 1820, addressed by the Minister of Finance to the Board of Administration of the Russian-American Company:

United States Case, p. 46. (For revised translation, see Appendix, vol. i, p. 15.)

Having for the benefit of the American Company excluded all foreigners from Kamtchatka and Okhotsk, and prohibited them from engaging in trade [AND FROM HUNTING AND FISHING IN ALL THE WATERS OF EASTERN SIBERIA], the Government fully expects that the Company, on its part, will hold itself responsible for supplying those regions with all necessaries. . . . .

Ibid., p. 47.

[IN CONCLUSION, IT IS STATED AS THE DECISION OF HIS MAJESTY THE EMPEROR, IN VIEW OF POSSIBLE FUTURE COMPLICATIONS OF THIS NATURE, THAT NO CONTRACTS INVOLVING THE FREE ADMISSION OR NAVIGATION FOR TRADE OF FOREIGN SHIPS OR FOREIGN SUBJECTS IN THE WATERS ADJOINING OR BOUNDED BY THE COASTS OF RUSSIAN COLONIES WILL BE APPROVED BY THE IMPERIAL GOVERNMENT.]

Ibid. (For revised translation, see Appendix, vol. i, pp. 17, 18.)

Further, at p. 47, there is a quotation from a letter addressed by the Board to the Chief Manager of the Colonies at Sitka, dated the 23rd April, 1820:

. . . . Basing your own action upon this proceeding of our Highest Protector, you, as Commander of all our Colonies must prohibit with equal strictness all foreigners from engaging in any intercourse or trade with native inhabitants, [AS WELL AS FROM VISITING THE WATERS FREQUENTED BY SEA-OTTERS AND FUR-SEALS, OVER WHICH OUR OPERATIONS EXTEND], under penalty of the most severe

Ibid., p. 48.

measures, including the confiscation of ships and the imprisonment of crews engaged in this illegal traffic. You must act with the greatest severity in cases where foreigners have sold to the natives arms, powder, and lead. [THEY MUST BE MADE TO UNDERSTAND THAT THEIR PRESENCE IN OUR WATERS IS CONTRARY TO OUR LAWS, AND THAT] they will never be admited to any port unless you or your subordinates convince yourselves that such is necessary for the saving of life. In a word, you must preserve an attitude in full accord with the views of the Imperial Government on this subject, [AND PROTECT AGAINST ALL INTRUDERS THE DOMAIN OF LAND AND WATER GRANTED TO US BY THE GRACE OF THE EMPEROR AND NECESSARY FOR OUR CONTINUED EXISTENCE AND PROSPERITY]. You must transmit these instructions without delay to your subordinate Commanders for their conduct in their intercourse with foreigners, and especially to the Commanders of ships navigating our waters, [TO ENABLE THEM TO DRIVE AWAY THE FOREIGN INTRUDERS].

And at pp. 49, 41, and 42 from three others, dated
23 the 31st March, 1821, the 20th September, 1821, and the 28th February, 1822, respectively:

. . . . The principles involved in this action of the Government you must also observe in dealing with foreigners who may visit our Colonies, [USING ALL THE FORCE AT YOUR COMMAND TO DRIVE THEM FROM OUR WATERS.] . . . . United States Case, p. 49. (For revised translation, see Appendix, vol. i, p. 19.)

[WITH THIS PRECIOUS ACT IN YOUR HAND YOU WILL BE ENABLED TO ASSUME A NEW POSITION, AND TO STAND FIRMLY OPPOSED TO ALL ATTEMPTS ON THE PART OF FOREIGNERS TO INFRINGE UPON OUR RIGHTS AND PRIVILEGES. IN ACCORDANCE WITH THE WILL OF HIS IMPERIAL MAJESTY, WE WILL NOT BE LEFT TO PROTECT UNAIDED THE LAND AND WATERS EMBRACED IN OUR EXCLUSIVE PRIVILEGES. A SQUADRON OF NAVAL VESSELS IS UNDER ORDERS TO PREPARE FOR A CRUIZE TO THE COASTS OF NORTH-EASTERN ASIA AND NORTH-WESTERN AMERICA. Ibid., p. 41. (For revised translation, see Appendix, vol. i, p. 23.)

* * * * *

WE CAN NOW STAND UPON OUR RIGHTS, AND DRIVE FROM OUR WATERS AND PORTS THE INTRUDERS WHO THREATEN TO NEUTRALIZE THE BENEFITS AND GIFTS MOST GRACIOUSLY BESTOWED UPON OUR COMPANY BY HIS IMPERIAL MAJESTY.]

[AS TO FUR-SEALS, HOWEVER, SINCE OUR GRACIOUS SOVEREIGN HAS BEEN PLEASED TO STRENGTHEN OUR CLAIMS OF JURISDICTION AND EXCLUSIVE RIGHTS IN THESE WATERS WITH HIS STRONG HAND, WE CAN WELL AFFORD TO REDUCE THE NUMBER OF SEALS KILLED ANNUALLY, AND TO PATIENTLY AWAIT THE NATURAL INCREASE RESULTING THEREFROM, WHICH WILL YIELD US AN ABUNDANT HARVEST IN THE FUTURE.] Ibid., p. 42. (For revised translation, see Appendix, vol. i, p. 24.)

A letter from the Board to the Chief Manager, dated the 3rd August, 1820, is not cited in the United States Case, but appears in the Appendix thereto; it contains the following:

You will perceive . . . that we . . . do not countenance any intercourse with foreigners, [OR THE ADMISSION OF FOREIGNERS WITHIN THE PRECINCTS OF OUR POSSESSIONS], except in case of absolute necessity. Heretofore, all such transactions have generally resulted in serious losses to us, [AND THE VERY PRESENCE OF FOREIGNERS IN OUR WATERS HAS BECOME A VITAL QUESTION, AFFECTING THE EXISTENCE OF THE COMPANY.] Appendix, vol. i, p. 57. (For revised translation, see Appendix, vol. i, p. 20.)

The inclosure to this last-quoted letter consists of "orders from the Russian-American Company to its Kadiak
24 office, 3rd August, 1820." This inclosure also is not cited in the United States Case, but is given in the Appendix, and includes the following:

The deceased Baranof was frequently instructed to abstain as far as possible from all intercourse with the foreigners visiting our Colonies. . . . . [FOR THE SAKE OF PRESERVING INTACT OUR VALUABLE PRIVILEGES IN THE WATERS OVER WHICH OUR TRADE AND INDUSTRY EXTENDS], we may well dispense with such articles of luxury as the foreigners endeavour to make us purchase from them. United States Case, Appendix, vol. i, p. 57. (For revised translation, see Appendix, vol. i, p. 20.)

It is important to bear in mind that the passages above included in brackets have nothing corresponding to them in the original documents. The original documents, when read without the interpolated passages, far from constituting any proof that the Russian Government were asserting

any dominion over Behring Sea, disprove that allegation, and show clearly that all they desired or contemplated was to protect the trading on the coast.

FOREIGNERS FREQUENTED BEHRING SEA IN NUMBERS.

When the position of the persons by whom these letters were written, and to whom they were addressed, is remembered, it becomes clear not only that foreigners frequented Behring Sea in considerable numbers, but also that Russia and the Russian-American Company recognized that their presence there was unavoidable, and that interference with them must be strictly limited to the ordinary territorial jurisdiction.

Neither is any trace to be found of any action having been taken under the instructions issued by the Board of the Company with the view to excluding foreigners from trading in Behring Sea.

BEFORE 1821, RUSSIA ASSERTED NO EXCLUSIVE JURISDICTION IN BEHRING SEA.

It is submitted that the propositions that were formulated on p. 36 of the British Case with reference to the user of the waters of Behring Sea up to the year 1821, and supported by the evidence cited therein, have not been displaced by any facts or arguments produced in the Case of the United States; but, on the contrary, that the further examination of the subject establishes that, down to the year 1821, Russia neither asserted nor exercised in the non-territorial waters of the North Pacific, including the body of water now known as Behring Sea, any rights to the exclusion of other nations.

25

CHAPTER II.

HEAD (B).—*The Ukase of 1821, and the circumstances connected therewith leading up to the Treaties of 1824 and 1825.*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 49—
"It thus appears from the foregoing citations that, so far as it concerned the coasts and waters of Bering Sea, the Ukase of 1821 was merely declaratory of preexisting claims of exclusive jurisdiction as to trade, which had been enforced therein for many years."

(2.) United States Case, p. 50—
"It was only when the Ukase of 1821 sought to extend the Russian claim to the American Continent south to latitude 51°, and to place the coasts and waters of the ocean in that region under the exclusive control of the Russian-American Company, that vigorous protests were made by the Governments of the United States and Great Britain. And the correspondence which grew out of those protests shows that they were inspired by the claim of jurisdiction over large portions of the Pacific Ocean (as distinguished from Bering Sea), and by the conflicting claims of the three nations to the coast over which Russia sought to extend exclusive authority.

(3.) United States Case, p. 56—
"Neither in the protests, negotiations, nor treaties is any reference found to Bering Sea."

SUMMARY OF BRITISH REPLY.

The citations referred to in Contention (1.) when freed from interpolations, show no claims of exclusive jurisdiction over the coasts and waters of Behring Sea.

Throughout the protests and negotiations resulting in the Treaties of 1824 and 1825, there was only one sea area under discussion, namely, that defined in the Ukase of 1821. The absence of all reference to Behring Sea by a distinctive name, proves that it was not, for any purpose, separated from the rest of the defined area.

The term "Pacific Ocean" was used throughout the protests and negotiations to include Behring Sea; and the term "north-west coast" to include the whole west coast of America from Behring Strait to 51° north latitude.

The claim of Russia to maritime jurisdiction was that against which the protests of Great Britain and the United States were most vigorous, and the first place in each Treaty was assigned to the clause by which it was given up.

26 CONTENTION THAT THE UKASE OF 1821 WAS, AS TO BEHRING SEA, MERELY DECLARATORY OF PRE-EXISTING CLAIMS OF EXCLUSIVE JURISDICTION.

The "foregoing citations" mentioned in the first of the above contentions as showing that, so far as it concerned the coasts and waters of Behring Sea, the Ukase of 1821 was merely declaratory of pre-existing claims, are dealt with in the latter part of the preceding chapter. They are

the letters dated respectively the 9th, 10th, and 23rd April, 1820; 31st March and 20th September, 1821; and 28th February, 1822. The original documents, as will be found from the correct translations, afford no ground whatever for this contention.

Appendix, vol. i, pp. 11, 13, 16, 18, 23, and 24.

The presence of foreigners in the Russian possessions has already been alluded to as the chief motive and justification for the Ukase, and it has been shown that it was doubtless in consequence of the complaints made on that score, that the Ukase purported to exclude foreigners from approaching within 100 miles of the whole of the north-west coast of America, beginning from Behring Straits, to the 51st degree of northern latitude.

British Case, p. 39.
United States Case, Appendix, vol i, p. 16.

UKASE DOES NOT DISTINGUISH BETWEEN BEHRING SEA AND WATERS OUTSIDE.

No valid ground for the distinction suggested between the coasts and waters of Behring Sea and those of other seas can be found in the Ukase itself, which, like the Ukase of 1799, asserts a claim to the whole of the coast-line specified, and regards the whole as subject to the same jurisdiction.

United States Case, pp. 41–49.

The following are the words of the Ukase—

IT APPLIES TO NORTH-WEST COAST FROM BEHRING STRAITS TO LATITUDE 51° NORTH.

> The pursuits of commerce, whaling, and fishery, and of all other industry on all islands, ports and gulfs, including the whole of the *north-west coast of America, beginning from Behring's Straits* to the 51st degree of northern latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring's Straits to the South Cape of the Island of Urup, viz., to the 45° 50′ northern latitude, is exclusively granted to Russian subjects.

SEA AREA DEFINED IN UKASE, DESCRIBED AS PART OF PACIFIC OCEAN.

The letter from Baron Nicolay to the Marquis of Londonderry, dated the 31st October, 1821, by which this Ukase was officially notified to the British Government, speaks of the sea lying between the coasts thus defined as—

British Case, Appendix, vol. ii, Part I, p. 2.

> cette partie de l'Océan Pacifique que bordent nos possessions en Amérique et en Asie.

And he concludes his letter by saying:

> Les officiers commandant les bâtiments de guerre Russes qui
> 27 sont destinés à veiller dans l'Océan Pacifique au maintien des dispositions susmentionnées, ont reçu l'ordre de commencer à les mettre en vigueur envers ceux des navires étrangers qui seroient sortis d'un des ports de l'Europe après le 1er Mars, 1822, ou des États-Unis après le 1er Juillet. A dater de ces époques aucun navire ne pourra plus légalement prétexter l'ignorance du nouveau Réglement.

THROUGHOUT NEGOTIATIONS, NO MENTION OF BEHRING SEA BY DISTINCTIVE NAME.

It is difficult to understand the ground for the allegation that neither in the protests, negotiations, nor Treaties, is any reference found to Behring Sea. The fact that, during

British Case, pp. 59–76.

the whole of the negotiations prior to 1824 and 1825, no reference is made by any distinctive name to Behring Sea, strongly supports the contention of Her Majesty's Government. The reason is obvious. The whole area affected by the Ukase was the subject of discussion, and no distinction was drawn between the part of the Pacific Ocean north and that south of the Aleutian Islands. Had any such distinction been intended, it must have been repeatedly mentioned; and had it been desired to deal with the waters of Behring Sea in an exceptional manner, an express provision to that end must have been inserted.

With reference to this point, attention is invited to Chapter II of the British Case, and the correspondence set out in the Appendix thereto. British Case, Appendix, vol. ii, Parts I and II.

The Ukase of the 4th September, 1821, which led to the protests, negotiations, and Treaties, claimed the exclusive right to the pursuits of commerce, whaling, and fishing on all islands, ports, and gulfs, including the whole of the north-west coast of America from Behring Strait to the 51st degree of the northern latitude and the Aleutian Islands.

PACIFIC OCEAN EXTENDS ON NORTH-WEST COAST FROM BEHRING STRAIT TO LATITUDE 51° NORTH.

M. de Poletica, in his letter to Mr. Adams of the 28th February, 1822, claims— Ibid., Part II, p. 3.

that the Russian possessions in the Pacific Ocean extend on the north-west coast of America from Behring Strait to the 51st degree of north latitude, and on the opposite side of Asia and the islands adjacent from the same Strait to the 45th degree. The extent of sea of which these possessions form the limits comprehends all the conditions which are ordinarily attached to *shut seas* ("mers fermées"), and the Russian Government might consequently judge itself authorized to exercise upon this sea the right of sovereignty, and especially that of entirely interdicting the entrance of foreigners. But it preferred only asserting its essential rights, without taking any advantage of localities. British Case, pp. 48, 49. United States Case, Appendix, vol. i, p. 133.

28 The extent of waters thus limited he claims as "shut seas ('mers fermées')." The same limits are either expressly or impliedly referred to throughout the correspondence.*

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*See particularly in the correspondence between Russia and the United States:
M. de Poletica to Mr. Adams, 2nd April, 1822. United States Case, Appendix, vol. i, p. 135.
Mr. Adams to Mr. Middleton, 22nd July, 1823. British Case, Appendix, vol. ii, Part II, p. 4.
Mr. Adams to Mr. Rush, 22nd July, 1823. Ibid., p. 6.
Memorial by Mr. Middleton, 1st December, 1823. Ibid., p. 7.
In the correspondence between Great Britain and Russia:
Baron Nicolay to the Marquis of Londonderry, 31st October, 1821. Ibid., Appendix, vol. ii, Part I, p. 1.
Count Nesselrode to Count Lieven, 7th October, 1821. Ibid., p. 3.
Messrs. F. Enderby and Mellish to Board of Trade, 27th November, 1821. Ibid., p. 13.
Mr. G. Canning to the Duke of Wellington, 27th September, 1822. Ibid., p. 21.
Ship-owners' Society to Mr. G. Canning, 11th June, 1823. Ibid., p. 36.
Mr. Enderby to the Board of Trade, 7th February, 1824. Ibid., p. 52.
And in the correspondence of the Russian-American Company:
Minister of Finance to Russian-American Company, 18th July, 1822. United States Case, Appendix, vol. i, p. 62.
Count Nesselrode to N. S. Mordvinof, 11th April, 1824. Ibid., p. 14.

UNITED STATES ADMIT NO PART OF RUSSIAN CLAIMS.

Thus in the letter from Mr. Adams to Mr. Middleton of the 22nd July, 1823, the writer states that—

British Case, Appendix, vol. ii, Part II, p. 4.

the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction *from the 45th degree of north latitude, on the Asiatic coast, to the latitude of 51° north on the western coast of the American Continent;* and they assume the right of interdicting the *navigation* and the fishery of all other nations to the extent of 100 miles from the *whole of that coast. The United States can admit no part of these claims.* Their right of navigating and of fishing is perfect, and has been in constant exercise from the earliest times, after the Peace of 1783, throughout the whole of the Southern Ocean, subject only to the ordinary exceptions and exclusions of the territorial jurisdictions, which, so far as Russian rights are concerned, are confined to certain *islands** north of the 55th degree of latitude, and have no existence on the Continent of America.

Mr. Middleton's opinion upon the subject of the Ukase, with its claim to close even Behring Strait, clearly

British Case, p. 50–64.

29 appears in his Memorial of the 1st (13th) December, 1823, which contains the following passage:

UNITED STATES OBJECT TO SHUTTING UP OF A STRAIT NEVER BEFORE SHUT UP.

British Case, Appendix, vol. ii, Part II, p. 7.

The Ukase even goes to the *shutting up of a strait which has never been till now shut up,* and which is at the present the principal object of discoveries interesting and useful to the sciences. . . . . The extension of territorial rights to the distance of *100 miles from the coasts* upon *two opposite continents,* and the prohibition of approaching to the same distance from these coasts, or from those of all the intervening islands, are innovations in the law of nations and measures unexampled.

Ibid., Part I, p. 61.

Mr. G. Canning, writing to Sir C. Bagot, Her Majesty's Ambassador at St. Petersburgh, on the 12th July, 1824, inclosed the draft of a "Projet" of Convention, which Sir C. Bagot was authorized to sign.

BRITISH "PROJET."

This "Projet" contained the following:

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of All the Russias, being desirous of drawing still closer the ties of friendship and good understanding which unite them, by means of an Agreement which shall settle, upon the basis of reciprocal convenience, the different points connected with the commerce, navigation, and fisheries of their subjects on the Pacific Ocean, as well as the limits of their possessions and establishments on the north-west coast of America; their said Majesties have named their Plenipotentiaries to conclude a Convention for this purpose, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c., &c., &c.;

And His Majesty the Emperor of all the Russias, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

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* This word is in *italics* in the original.

ARTICLE I.

PACIFIC OCEAN COMPREHENDING THE SEA WITHIN BEHRING STRAITS.

It is agreed between the High Contracting Parties that their respective subjects shall enjoy the right of free navigation along the *whole extent of the Pacific Ocean, comprehending the sea within Behring's Straits,* and shall neither be troubled nor molested in carrying on their trade and fisheries, in all parts of the said ocean, either to the northward or southward thereof.

It being well understood that the said right of fishery shall not be exercised by the subjects of either of the two Powers, nearer than 2 marine leagues from the respective possessions of the other.

30

ARTICLE II.

The line which separates the possessions of the two High Contracting Parties upon the continent and the Islands of America to the north-west, shall be drawn in the manner following:

Commencing from the two points of the island called "Prince of Wales' Island," which form the southern extremity thereof, which points lie in the parallel of 54° 40′, and between the 131st and 133rd degree of west longitude (meridian of Greenwich), the line of frontier between the British and Russian possessions shall ascend northerly along the channel called Portland Channel, till it strikes the coast of the continent lying in the 56th degree of north latitude. From this point it shall be carried along that coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded, as far as the 139th degree of longitude west of the said meridian. Thence the said meridian line of 139th degree of west longitude, in its extension as far as the Frozen Ocean, shall form the boundary of the British and Russian possessions on the said Continent of America to the north-west.

ARTICLE III.

It is, nevertheless, understood, with regard to the stipulations of the preceding Article:

1. That the said line of coast on the Continent of America, which forms the boundary of the Russian possessions, shall not, in any case, extend more than marine leagues in breadth from the sea towards the interior, at whatever distance the aforesaid mountains may be.

2. That British subjects shall for ever freely navigate and trade along the said line of coast, and along the neighbouring islands.

3. That the navigation and commerce of those rivers of the continent which cross this line of coast shall be open to British subjects, as well as those inhabiting or visiting the interior of this continent, as to those coming from the Pacific Ocean, who shall touch at these latitudes.

ARTICLE IV.

The port of Sitka or Nove Archangelsk shall be, and shall for ever remain, open to the commerce of the subjects of His Britannic Majesty.

ARTICLE V.

With regard to the *other parts of the north-west coast of America,* and of the islands adjacent thereto, belonging to either of the two High Contracting Parties, it is agreed that, for the space
31 of years from the April, 1824, their respective vessels, and those of their subjects, shall reciprocally enjoy the liberty of visiting, without hindrance, the gulfs, havens, and creeks of the said coast, in places not already occupied, for the purposes of fishery and of commerce with the natives of the country.

It being understood:

1. That the subjects of either of the High Contracting Parties shall not land at any spot where there may be an establishment of the other, without the permission of the Governor or other authority of the place, unless they should be driven thither by stress of weather or other accidents.

2. That the said liberty of commerce shall not include the trade in spirituous liquors, in fire-arms, swords, bayonets, &c., gunpowder, or other warlike stores. The High Contracting Parties reciprocally engaging not to permit the above-mentioned articles to be sold or transferred, in any manner whatever, to the natives of the country.

It will be observed that, in this first draft Convention, Article I purported to give to the subjects of each Power—

the right of free navigation along the whole extent of the Pacific Ocean, comprehending the sea within Behring Straits.

British Case, Appendix, vol. ii, Part I, p. 66.

It was suggested by Count Lieven, in a Memorandum communicated to Mr. G. Canning in July, 1824, that the Imperial Government might hesitate to admit this condition—

sans en modifier l'énoncé actuel pour ne point exposer les côtes de *ses possessions Asiatiques* dans la *Mer Glaciale* aux inconvéniens qui pourraient naître de la visite des bâtimens étrangers.

British Case, p. 16.

The objection, therefore, related wholly to Behring Strait and the Russian Asiatic possessions beyond them, and not to Behring Sea.

With reference to Count Lieven's objection, Mr. Canning on the 24th July, 1824, wrote:

SHUTTING UP OF BEHRING STRAITS NOT TO BE TOLERATED BY ENGLAND.

Ibid., Appendix, vol. ii, p. 66.

The Power which could think of making the Pacific a *mare clausum* may not unnaturally be supposed capable of a disposition to apply the same character to a strait comprehended between two shores of which it becomes the undisputed owner; *but the shutting up of Behring's Straits, or the power to shut them up hereafter, would be a thing not to be tolerated by England.* Nor could we submit to be excluded, either positively or constructively, from a sea in which the skill and science of our seamen has been (and is still) employed in enterprises interesting not to this country alone, but to the whole civilized world.

32 It cannot be supposed that Mr. Canning, while insisting upon the freedom of Behring Strait and the Arctic Ocean, was at the same time conceding to Russia the right to exclude vessels from the non-territorial waters of Behring Sea.

In August 1824 the Russian Plenipotentiaries delivered to Sir C. Bagot a "Contre-Projet," containing the following Articles:

ARTICLE V.

British Case, Appendix, vol. ii, Part I, p. 69.

Les Hautes Puissances Contractantes stipulent en outre que leurs sujets respectifs navigueront librement, sur toute l'étendue de l'Océan Pacifique, tant au nord qu'au sud, sans entrave quelconque, et qu'ils jouiront du droit de pêche en haute mer, mais que ce droit ne pourra jamais être exercé qu'à la distance de 2 lieues marines des côtes ou possessions, soit Russes, soit Britanniques.

ARTICLE VI.

Ibid., p. 70.

Sa Majesté l'Empereur de Toutes les Russies, voulant même donner une preuve particulière de ses égards pour les intérêts des sujets de Sa Majesté Britannique et rendre plus utile le succès des entreprises, qui auraient pour résultat de découvrir un passage au nord du Continent Américain, consent à ce que la liberté de navigation mentionnée en l'Article précédent s'étende sous les mêmes conditions, au Détroit de Behring et à la mer située au nord de ce détroit.

Ibid., p. 67

The negotiations, however, were broken off, as reported by Sir C. Bagot, who wrote that on certain points differences had arisen which appeared to be irreconcilable.

One of the points on which the Russian Plenipotentiaries refused to yield was the proposal, embodied in Article V of the British "Projet," in so far as it permitted British subjects to visit, for a stated period, the gulfs, havens, and creeks in places not already occupied on the north-west coast of America from 60° north latitude to Behring Straits. This coast they declared to be the absolute and undisputed territory of His Imperial Majesty, and they added that it was not the intention of His Imperial Majesty to grant to any Power whatever for any period of time the liberty which was required.

RUSSIA DOES NOT OBJECT TO BRITISH "PROJET" ON GROUND OF EXCEPTIONAL RIGHTS IN BEHRING SEA.

But the stipulation for the free navigation of the high seas, which was afterwards embodied in Article I of the Treaty, was not one of the points upon which differences arose, and the Russian Plenipotentiaries do not appear
33 to have raised any objection to the British proposal, on the ground that Russia possessed exceptional rights over the non-territorial waters of Behring Sea.

Article VI of their "Contre-Projet" indicates that they had no claim to exclude foreign vessels from waters south of the Arctic Ocean and Behring Strait. This Article purports, as a concession, to waive any such rights in respect of the last-mentioned ocean and strait, but Behring Sea is not named.

Sir C. Bagot, on the suspension of the negotiations, reminded the Russian Plenipotentiaries that the claim to maritime jurisdiction assumed by Russia in the Pacific, which he had hoped to see revoked in the simplest and least unpleasant manner, by mixing it with a general adjustment of other points, remained, by the breaking off of the negotiations, still unretracted; and that his Government would probably be of opinion that, upon that part of the question, some arrangement must nevertheless be entered into.

British Case, Appendix, vol. ii, Part I, p. 68.

With reference to the sixth Article of the "Contre-Projet," he wrote as follows:

Ibid.

> I gave the Russian Plenipotentiaries distinctly to understand that neither His Majesty's Government nor those of the other Maritime Powers of the world would, as I thought, be likely to accept the free navigation of Behring Strait as a concession on the part of Russia.

CONFERENCE OF RUSSIAN DIGNITARIES.

In the United States Case great stress is laid upon the fact that Russia, after the execution of the Treaty with the United States, and before the conclusion of the Treaty with Great Britain, sought to place an interpretation upon the former Treaty which is not in accord with the interpretation now put upon it by Great Britain. This interpretation is contained in a Report, dated the 21st July, 1824, of the Conference of a Special Committee of certain Russian dignitaries, which Conference had been brought together for the purpose of replying to certain questions raised by the Russian-American Company upon the Treaty.

United States Case, p. 55.

Appendix, vol. i, p. 32 *et seq.*

This document has been produced for the first time in the United States Case. It is in no sense an international document. Further, the questions put by the North American Company, to which it purports to be an answer, are not produced.

United States Case, pp. 54, 55. (For revised translation, see Appendix, vol. i, p. 34.)

Moreover, the translation of the Report cited in the 34 United States Case is inaccurate in most important particulars. The translation given in the United States Case is as follows, the words appearing between brackets being simple interpolations:

> 7. That since the sovereignty of Russia over the shores of Siberia [AND AMERICA], as well as over the Aleutian Islands [AND THE INTERVENING SEAS], has long since been acknowledged by all Powers, these coasts, islands [AND SEAS] just named could not have been referred to in the Articles of the above-mentioned Convention, which latter concerns only the disputed territory on the north-west coast of America and the adjoining islands, and that in the full assurance of such undisputed right Russia has long since established permanent Settlements on the coast of Siberia, as well as on the chain of the Aleutian Islands; consequently, American subjects could not, on the strength of Article II of the Convention of the 5th (17th) April, have made landings on the coast, or carried on hunting and fishing without the permission of our Commanders or Governors. These coasts of Siberia and of the Aleutian Islands are not washed by the Southern or Pacific Ocean, of which mention is made in Article I of the Convention, but by the Arctic Ocean and the Seas of Kamchatka and Okhotsk, which, on all authentic Charts and in all geographies, form no part of the Southern or Pacific Ocean.

From this Report, it may be gathered that the two following points had been raised by the Company:

1. It was thought that Article I of the Convention permitted citizens of the United States to resort to the coast upon points not already occupied upon the shores of Siberia and the Aleutian Islands for the purpose of trading with the natives.

2. The Company desired to confine the right of fishing and trading, granted to the United States for ten years by Article IV, to the coast south of Cross' Sound.

It was to meet the first of these points that the argument that Behring Sea is not part of the Pacific Ocean, or South Sea, was for the first time suggested in the above Report.

Revised translation, Appendix, vol. i, p. 35.

Upon the second point, the Committee expressed the opinion that Yakutat or Behring Bay was situated—

> in a latitude [59° 30′ north] where the rights of Russia have never formed a subject of dispute, and that this important circumstance permits us to include it in the general declaration concerning the Aleutian Islands and the other northern places.

Revised translation, Appendix, vol. i, p. 35.

35 As to Cross' Sound, the Committee agreed that—

> as it lies under the 57th degree of north latitude, and consequently within the limits of those islands and regions to which Russia's right of sovereignty has been disputed, it is impracticable to apply the same rule.

Accordingly, on the suggestion of the Committee, Baron Tuyll, Russian Minister at Washington, was instructed by his Government to propose to Mr. Adams that Cross' Sound should be the northern limit, to which the right of fishing and trading for the stipulated period of ten years should be confined.

No copies, however, are forthcoming of the instructions given by the Russian Government to Baron Tuyll, nor are any copies of the despatches from the Baron to his Government, or the subsequent reports of the result of the negotiations, now produced. What actually took place between Baron Tuyll and Mr. Adams is best told by quotation from Mr. Adams' diary.

Mr. Adams' account of this transaction is as follows:

Memoirs of J. Q. Adams, vol. vi, p. 435.

6th, Monday.—Baron Tuyll, the Russian Minister, wrote me a note requesting an immediate interview, in consequence of instructions received yesterday from his Court. He came, and, after intimating that he was under some embarrassment in executing his instructions, said that the Russian-American Company, upon learning the purport of the north-west Coast Convention concluded last June by Mr. Middleton, were extremely dissatisfied ("a jeté de hauts cris"), and, by means of their influence, had prevailed upon his Government to send him these instructions upon two points. One was, that he should deliver, upon the exchange of the ratifications of the Convention, an explanatory note, purporting that the Russian Government did not understand that the Convention would give liberty to the citizens of the United States to trade on the coast of Siberia and the Aleutian Islands. The other was, to propose a modification of the Convention, by which our vessels should be prohibited from trading on the North-west Coast north of latitude 57°. With regard to the former of these points, he left with me a minute in writing.

I told him that we should be disposed to do everything to accommodate the views of his Government that was in our power, but that a modification of the Convention *could* be made no otherwise than by a new Convention, and that the construction of the Convention as concluded belonged to other Departments of the Government, for which the Executive had no authority to stipulate; that if on the exchange of the ratifications he should deliver to me a note of
36 the purport of that which he now informally gave me, I should give him an answer of that import, namely, that the construction of treaties depending here upon the judiciary tribunals [the Executive Government, even if disposed to acquiesce in that of the Russian Government as announced by him, could not be binding upon the Courts, nor upon this nation.]* I added that the Convention would be submitted immediately to the Senate; that if anything affecting its construction, or, still more, modifying its meaning, were to be presented on the part of the Russian Government before, or at the exchange of, ratifications, it must be laid before the Senate, and could have no other possible effect than of starting doubts, and perhaps hesitation, in that body, and of favouring the views of those, if such there were, who might wish to defeat the ratification itself of the Convention. This was an object of great solicitude to both Governments, not only for the adjustment of a difficult question which had arisen between them, but for the promotion of that harmony which was so much in the policy of the two countries, which might emphatically be termed natural friends to each other. If, therefore, he would permit me to suggest to him what I thought would be the best course, it would be to wait for the exchange of the ratifications, and make it purely and simply; that afterwards, if the instructions of his Government were imperative, he might present the note, to which I now informed him what would be in substance my answer. It necessarily could not be otherwise. But if his instructions left it discretionary with him, he would do still better to inform his Government of the state of things here, of the purport of our conference, and of what my answer must be if he should present the note. I believed his Court would then deem it best that he should not present the note at all. Their apprehensions had been excited by an interest not very

* This passage does not appear in Mr. Blaine's quotation from Mr. Adams' diary (United States Case, Appendix, vol. i, p. 277). It is important, inasmuch as it indicates that the United States Government were not disposed to acquiesce in the proposed construction of the Treaty.

friendly to the good understanding between the United States and Russia. Our merchants would not go to trouble the Russians on the coast of Siberia, or north of the 57th degree of latitude, and it was wisest not to put such fancies into their heads. At least, the Imperial Government might wait to see the operation of the Convention before taking any further step, and I was confident they would hear no complaint resulting from it. If they should, then would be the time for adjusting the construction or negotiating a modification of the Convention; and whoever might be at the head of the Administration of the United States, he might be assured that every disposition would be cherished to remove all causes of dissatisfaction, and to accommodate the wishes and the just policy of the Emperor.

The Baron said that these ideas had occurred to himself; that
37 he had made this application in pursuance of his instructions; but he was aware of the distribution of powers in our Constitution, and of the incompetency of the Executive to adjust such questions. He would therefore wait for the exchange of the ratifications without presenting his note, and reserve for future consideration whether to present it shortly afterwards, or to inform his Court of what he has done, and ask their further instructions upon what he shall definitely do on the subject. He therefore requested me to consider what had now passed between us as if it had not taken place ("non avenu"), to which I readily assented, assuring him, as I had done heretofore, that the President had the highest personal confidence in him, and in his exertions to foster the harmony between the two countries. I reported immediately to the President the substance of this conversation, and he concurred in the propriety of the Baron's final determination.

As will be seen from the above account of the negotiations, no note whatever was presented by Baron Tuyll. In point of fact, it is not clear that any note was ever written. The document produced by the United States, and purporting to be a copy of the note, is headed "Note explicative à présenter," and would appear to be nothing more than a draft Minute of a note. The following is the text of this draft note:

Appendix, vol. i, p. 63

Note explicative à présenter au Gouvernement des États-Unis lors de l'échange des ratifications dans le but d'écarter d'autant plus sûrement tout motif de discussions futures, au moyen de laquelle note on reconnoitroit positivement exceptées de la liberté de chasse, de pêche, et de commerce, stipulée en faveur des citoyens des États-Unis pour dix ans, *les Iles Aleutiennes, les côtes de la Sibérie, et en général les possessions Russes sur la côte nord-ouest de l'Amérique jusqu'au 59° 30′ de latitude nord.*

Il paraît que ceci n'est qu'une conséquence naturelle des stipulations arrêtées, car les *côtes de la Sibérie* sont baignées par la Mer d'Ochotsk, la Mer de Kamtschatka, et la Mer Glaciale, et non par la Mer du Sud mentionnée dans l'Article Ier de la Convention du 5 (17) Avril. C'est aussi par la Mer du Kamtschatka ou l'Océan du Nord, que sont baignées les Iles Aleutiennes.

L'intention de la Russie n'est point d'entraver la libre navigation de l'Océan Pacifique. Elle se bornerait à faire reconnoitre comme bien entendu et placé à l'abri de toute espèce de doute le principe, que depuis le 59° 30′ aucun vaisseau étranger ne pourrait approcher de ses côtes et ses iles, ni y faire la chasse ou la pêche qu'à la distance de 2 lieues marines. Ce qui n'empêchera pas d'accueillir les bâtimens étrangers avariés ou battus par la tempête.

It is stated in Mr. Blaine's despatch of the 17th
38 December, 1890, that this Minute or Memorandum was not presented at the time of the exchange of ratifications, but was communicated a fortnight afterwards. It does not appear to have received any acknowledgment or reply, and the whole proceedings seem to have been entirely informal.

BARON TUYLL, WHILE ARGUING THAT BEHRING SEA WAS UNAFFECTED BY TREATY, IMPLIEDLY ADMITS IT OPEN TO THE WORLD.

In any case, neither here, nor in the conversation with Mr. Adams above referred to, did Baron Tuyll suggest that Behring Sea was closed, or that his Government claimed a margin of 100 miles from the shores. His argument was that the *Treaty* did not apply to that sea, and that the United States were remitted there to the ordinary rights of independent nations on the high seas. What he says as to the reception of ships in distress assumes that ships will be passing; and the 2 leagues is treated as the limit of territorial jurisdiction.

To the above may be added the account of the same transaction which is given by the Russian writer, Tikhmenieff:

British Case, Appendix, vol. i, p. 39.

As the Convention had not yet been ratified, the Emperor, on the representation of the Company that they would be injured by that part of the Convention to which we have referred, ordered inquiry to be made into the matter by a Special Commission. In the Protocol of the Commission, which was approved by the Emperor, it was declared, *inter alia*, that the provision of the Convention granting to the citizens of the United States the right to fish in the waters of the Colony, and to trade with the inhabitants of the coast, must not be understood as giving them a right to approach the coast of Eastern Siberia, and the Aleutian and Kurile Islands, which had long been recognized by the other Powers as being under the exclusive dominion of Russia, and that that provision only applied to the disputed territory on the north-west coast of America, between 54° 40′ and 57°.

In consequence of this declaration the Head of the Foreign Office and the Commission were of opinion that in order to safeguard the rights of the Company, and to obviate the possibility of the Convention being wrongly interpreted, the Russian Minister to the United States should be instructed to make a formal explanatory declaration on the occasion of the exchange of the ratifications of the Convention. The Minister reported that he did not see his way to carrying out these instructions, and that the only way in which he could explain the provision in question to the Washington Cabinet was by a verbal note; he added that a formal declaration might give rise to serious disputes, prevent the ratification of the Convention, and produce an effect which was not intended, by arousing suspicions which would otherwise never be entertained. The Convention was accordingly ratified.

39 Upon the subject of the Report of the Committee, and the attempt at negotiation which resulted from it, the following observations arise:

1. That the Russian-American Company were only anxious about trade and fishing on the coast, and were not concerned about Behring Sea.

2. That Baron Tuyll did not claim for Russia jurisdiction of any kind over Behring Sea; for he states in his draft note that Russia would be satisfied with a limit of 2 marine leagues to the north of 59° 30′.

3. That the interpretation of the words "Pacific Ocean or South Sea," in Article I of the Convention, upon which the Government of the United States now base their argument, was first suggested *after* the conclusion of the Convention, and with the express purpose of reconciling the Directors of the Russian American Company to the terms of that Article.

4. That Mr. Adams declined the overtures of Baron Tuyll and the interpretation desired to be put upon the

Treaty, and that the Convention was finally ratified in its original terms, without explanation or modification.

5. That throughout the protests and negotiations which preceded the treaties of 1824 and 1825, the term "Pacific Ocean" was used to include Behring Sea, and the term "North-west Coast" to include the whole west coast of America from Behring Strait to 51° north latitude.

6. That no distinction is drawn in the Treaty with Great Britain in 1825 between Behring Sea and the rest of the Pacific Ocean, though the attention of the Russian Government had been forcibly called to the point by the remonstrances of the Russian-American Company (upon the conclusion of the Treaty with the United States) to the advisability of excluding certain parts of the coasts of Behring Sea.

It would seem very plain, therefore, that the claim to maritime jurisdiction was the one to which both England and the United States attached importance; that against it their protests, which were emphatic and unqualified, were mainly directed; and that they demanded and obtained not a partial, but a total and unconditional withdrawal of it.

40 RUSSIA WITHDREW HER CLAIM TO CONTROL OF BEHRING SEA.

British Case, p. 58. Conclusions.

From the considerations referred to in this chapter, it is submitted that the conclusions claimed to have been established in the British Case, as stated at p. 58, are fully supported, and that the further evidence which has been adduced, clearly shows that the Ukase of 1821—the first and only attempt on the part of Russia to assert dominion over, and restrict the rights of other nations in, the non-territorial waters of the North Pacific, including those of Behring Sea—was made the subject of immediate and emphatic protest by Great Britain and by the United States. That thereupon Russia unequivocally withdrew her claims to such exclusive dominion and control.

41

CHAPTER III.

HEAD (C).—*The question whether the body of water now known as Behring Sea is included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia.*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 26—
"By which term [north-west coast of the American Continent] it is intended to designate the coast between Prince William Sound and the mouth of the Columbia River."

(2.) United States Case, p. 52—
"That the term 'Great Ocean, commonly called the Pacific Ocean or South Sea,' used in Article I of the treaty of 1824 with the United States, and the term, 'the Ocean, commonly called the Pacific Ocean,' used in Article I of the Treaty of 1825 with Great Britain, did not apply to and include Bering Sea, is shown by a study of the maps, charts, and writings of navigators at the time of and prior to the negotiation and celebration of these treaties. A list of these maps and charts is appended hereto, and a careful examination of the same is invited. It will be seen from them that the best geographers have at all times distinguished this body of water from the ocean lying south of it by conferring upon it some separate name, in most cases either that of Sea of Kamchatka, Bering Sea, North-eastern Sea, or Eastern Ocean."

(3.) United States Case, p. 57—
"By the ukase of 1821, Russia had publicly claimed certain unusual jurisdiction both over Bering Sea and over a portion of the Pacific Ocean, yet in the resulting treaties, which constituted a complete settlement of all differences growing out of this ukase, no reference is made to this jurisdiction so far as it related to Bering Sea, although it is expressly and conspicuously renounced as to the Pacific Ocean."

(4.) United States Case, p. 58—
"It appears from an examination of the correspondence and treaties . . . . . that the coasts, interior waters, &c., upon and in which the United States and Great Britain were allowed to trade for ten years without restrictions, were limited on the west by Yakutat Bay and Mount St. Elias; that is to say, that this right was restricted to the coast-line, concerning the ownership of which there may have been some possible dispute."*

(5.) United States Case, p. 69—
"That the body of water known as Bering Sea was not included in the phrase 'Pacific Ocean,' as used in the treaty of 1825."

(6.) United States Case, p. 297—
"That Bering Sea was not included in the phrase 'Pacific Ocean' as used in the treaty of 1825."

(7.) United States Case, p. 302—
"That the body of water now known as Bering Sea was not included in the phrase 'Pacific Ocean,' as used in the treaty of 1825."

* Article IV of the Treaty of 1824, and Article VII of the Treaty of 1825.

A more exhaustive collection of Maps and Charts prove that "Pacific Ocean" includes Behring Sea. Not one has been found which, having regard to the relative sizes and positions of the names, is an authority to the contrary. In Charters of the Russian American Company, the Kurile Islands, which lie outside Behring Sea, but in the Pacific Ocean, are said to be in "North-Eastern Ocean," or North-Eastern Sea; the identity of which with the Pacific Ocean is thus demonstrated.

Apart from the evidence afforded by maps, and by the previous negotiations, that the words "Pacific Ocean" in the Treaties included Behring Sea, the same is proved from the Treaties themselves. Both, for ten years, throw open to the subjects of the Contracting Powers the harbours on the north-west coast; which coast is not defined by interpretation clause; and is shown by the preliminary correspondence, and by Article III of the 1825 Treaty, to have reached to Behring Strait. The throwing open of the harbours assumes the right of approach thereto, and refutes the supposition that Behring Sea was closed.

The interpretation of the term "north-west coast" in Contention (1.) is now suggested, without reason assigned, after three other interpretations had been put forward by the United States, and answered by Great Britain, in the correspondence preceding the Arbitration Treaty. Two of the three do not reappear in the United States Case; and the survivor, which forms Contention (4.) is that "north-west coast" in both Treaties means what is called in the Treaty of 1825 the "lisière." But it did not mean this in the Treaty of 1824; for no "lisière" is mentioned therein, or was in question between the parties. Nor in the Treaty of 1825 could "north-west coast" have meant the "lisière," as the right to use harbours is carefully expressed to be reciprocal, and to apply to both Powers, while the "lisière" was to belong exclusively to Russia. Further, the second Articles of the Treaties bind Russian subjects not to land, without permission, at United States and British establishments on the "north-west coast."

The above construction of "north-west coast" is confirmed by the use of the term "north-western coast," manifestly to include the east coast of Behring Sea, in a form of Patent prepared by the Russian Government, pursuant to the Slave Trade Treaty of the 20th December 1841; and by the use of the term "north-west coast" in Treaties of Commerce between Great Britain and Russia, dated the 11th January, 1843, and 12th January, 1859.

CONTENTION THAT GEOGRAPHERS EXCLUDE BEHRING SEA FROM PACIFIC OCEAN.

United States Case, p. 52.

With reference to the above-quoted assertions that the terms "Great Ocean, commonly called the Pacific Ocean or South Sea," and "the Ocean, commonly called the Pacific Ocean," as used in the Treaties, are shown by a study of the contemporaneous Maps, Charts, and writings of navigators not to have applied to or to have included Behring Sea, the following observations may be made.

The Maps and Charts, of which a list is given in the Appendix to the United States Case, are said to prove that—

> 43 the best geographers have at all times distinguished that body of water from the ocean lying south of it by conferring upon it some separate name. . . . .

United States Case, Appendix, vol. i, p. 265.

This list of Maps is the list inclosed by Mr. Blaine to Sir Julian Pauncefote in his letter of the 17th December, 1890, with a statement that it represented—

> a large proportion of the most authentic maps published during ninety years prior to 1825 in Great Britain, in the United States, the Netherlands, France, Spain, Germany, and Russia.

MR. BLAINE'S LIST OF MAPS VERY INCOMPLETE.

A criticism of this list of Maps will be found in the Appendix to this Counter-Case. It is sufficient here to point out that the list is very incomplete, and that a great many Maps which should undoubtedly have come to the notice of the compiler are omitted therefrom, as in some cases but a single Map is quoted from an Atlas containing other Maps so marked as to tell against the contention which it is endeavoured to maintain.

Appendix, vol. i, pp. 86 *et seq.*

SIZE AND POSITION OF NAMES ON MAPS TO BE CONSIDERED.

Neither has any attention been paid by the compiler of the list to the relative sizes of the characters in which the names quoted by him appear on the Maps cited, nor to the positions which these names occupy. An examination of these points, on such of the Maps included in the list as have been obtained in identical editions, show, in fact, that in a large proportion of instances the names Sea of Kamtchatka, &c., mentioned in quoted Contentions, are so placed as to refer merely to limited portions of the body of water now known as Behring Sea.

MANY AUTHENTIC MAPS GIVE BEHRING SEA NO DISTINCTIVE NAME.

A list of Maps contained in the Appendix to this Counter-Case, in the compilation of which no special selection has been made other than that relating to their date of publication, appears in fact to show that, in more than half of the authentic Maps relating to the period in question, Behring Sea appeared without any distinctive name.

Ibid., vol. i, p. 94.

Though described by Mr. Blaine as showing "the opinion of a large part of the civilized world" during the ninety years prior to 1825, it is therefore submitted that this description is inaccurate.

It is in the Case of the United States further affirmed that the term "North-eastern Sea," or "Eastern Ocean,"

> 44 is an alternative name for the body of water now generally known as Behring Sea. It is necessary on the part of the United States to assume this

United States Case, pp. 53, 35.

position, because of the mention made of the "North-eastern Ocean" and "North-eastern Sea" in the first and third Charters of the Russian-American Company, in which these terms are employed in defining the field of the operations of that Company; and the use of the terms mentioned in these Charters is referred to in the Case of the United States as supporting its contention. But on turning to the correct translation of the Charter of 1799, it will be found that the Company is—

Ante, p. 11.

> to enjoy the profits of all industries and establishments now existing on the north-eastern coast* of America, from the aforesaid 55° to Behring Strait, and beyond that strait, as well as on the *Aleutian and Kurile Islands, and the other islands situated in the North-Eastern Ocean.*

* See p. 11.

In section 1 of the third Charter, the Russian-American Company is referred to as being—

United States Case, p. 28.

established for trading on the continent of North-Western America and on the Aleutian and Kurile Islands, as in every part of the North-Eastern Sea, &c.

"NORTH-EASTERN SEA" (OR OCEAN) MEANS PACIFIC OCEAN, AS IS PROVED BY INCLUSION OF KURILE ISLANDS THEREIN.

The above quotations are destructive of the conclusion endeavoured to be established. It is evident from both passages that the term "North-Eastern Ocean" or "North-Eastern Sea" was employed not as a special designation of Behring Sea, but as a synonym of Pacific Ocean. The Kurile Islands are in the Pacific Ocean, but wholly outside Behring Sea.

"EASTERN OCEAN" MEANS PACIFIC OCEAN.

United States Case, p. 53.

Ibid., Appendix I, p. 290.

Appendix, vol. i, pp. 103, 104.

With regard to the alternative term "Eastern Ocean," two authorities are quoted in the Case of the United States with the object of showing that by this name Behring Sea was indicated, viz., "Coxe's Russian Discoveries," and a globe by D. Adams, London, dated 1797. For details respecting these, the Appendix to this Counter-Case must be referred to. It may here be stated, however, that, in Coxe's work, "Eastern Ocean" is again found to be a synonym for the Pacific Ocean, and that the names upon the globes published by Adams do not appear to throw any light upon the matter.

Ibid., pp. 103, 104.

From the notes given in the Appendix, the meaning of the term "Eastern Ocean" (which, though comparatively seldom used, is to be found on some Maps) is clearly shown to be synonymous with the Pacific Ocean. Attention is particularly drawn to the several Russian Maps there enumerated.

British Case, Appendix, vol. iii. "United States No. 1 (1891)," pp. 88, 89.

Any argument founded on the use of a particular name by geographers may be conclusively answered by the following quotation from Lord Salisbury's despatch, dated the 21st February, 1891:

BAYS AND GULFS ARE NONE THE LESS PART OF THE MAIN SEA FOR HAVING A SPECIFIC NAME, *e. g.*, BAY OF BISCAY AND GULF OF LYONS.

But I am not prepared to admit the justice of Mr. Blaine's contention that the words "Pacific Ocean" did not include Behring Sea. I believe that in common parlance, then and now, Behring Sea was and is part of the Pacific Ocean; and that the latter words were used in order to give the fullest and widest scope possible to the claim which the British negotiators were solemnly recording of a right freely to navigate and fish in every part of it, and throughout its entire extent. In proof of the argument that the words "Pacific Ocean" do not include Behring Sea, Mr. Blaine adduces a long list of Maps in which a designation distinct from that of "Pacific Ocean" is given to Behring Sea; either "Behring Sea," or "Sea of Kamschatka," or the "Sea of Anadir." The argument will hardly have any force unless it is applicable with equal truth to all the other oceans of the world. But no one will dispute that the Bay of Biscay forms part of the

Atlantic Ocean, or that the Gulf of Lyons forms part of the Mediterranean Sea; and yet in most Maps it will be found that to those portions of the larger sea a separate designation has been given. The question whether by the words "Pacific Ocean" the negotiators meant to include or exclude Behring Sea depends upon which locution was esteemed to be the correct usage at the time. The date is not a distant one, and there is no ground for suggesting that the usage has changed since the Anglo-Russia Treaty of 1825 was signed. The determination of this point will be most satisfactorily ascertained by consulting the ordinary books of reference. I append to this despatch a list of some thirty works of this class, of various dates from 1795 downwards, and printed in various countries, which combine to show that, in customary parlance, the words "Pacific Ocean" do include Behring Sea.

The list referred to in the above quotation has been greatly increased, and is printed in an Appendix to this Counter-Case. The special attention of the Arbitrators is invited to the language of the various authors cited, which leaves no doubt whatever but that, at the date of the Treaty, Behring Sea was, as it still is, regarded by geographers as part of the Pacific Ocean.

Appendix, vol. i, pp. 86 *et seq.*

COMMANDER ISLANDS ARE DESCRIBED IN THE TREATY OF 1867, AS IN PACIFIC OCEAN.

The language of the Treaty of Cession of Russia to the United States in the year 1867 is entirely in accordance with the contention of Her Majesty's Government; for in that document, it will be found that the Commander Islands are properly described as being in the Pacific Ocean.

British Case, Appendix, vol. ii, Part III, p. 4.

GEOGRAPHICAL SKETCH OF BEHRING SEA IN UNITED STATES CASE, MISLEADING.

An attempt is apparently made in the Case of the United States to support the theory that Behring Sea is a body of water distinct in its nature from the Pacific Ocean, by the terms in which the geographical sketch of this sea are set out in the opening pages. The geographical sketch there given, though brief, is, it is submitted, essentially misleading in its character.

On p. 13 of the United States Case, the Peninsula of Alaska is described, apparently for the single purpose of stating that in it there are—

United States Case, p. 13.

low-lying marshy gaps which form portages used by the natives for carrying their boats across *from the Pacific Ocean to Bristol Bay.*

As authority for this statement, Réclus' "Geographie," vol. xv, p. 201, is cited; but, on turning to this work, we find that the passage thus paraphrased actually reads as follows:

. . . . Les montagnes péninsulaires de l'Alaska . . . . sont coupées de distance en distance par des seuils très bas, des portages—en Russe "perenossi"—que les bateliers pratiquent en effet pour le transport de leurs barques *d'un versant à l'autre versant.*

Réclus, in fact, makes no mention in this connection of the Pacific Ocean or of Bristol Bay; nor does he convey the impression that Bristol Bay is no part of that ocean.

Ibid., p 14.

Respecting the connection of Behring Sea with the main body of the Pacific Ocean, it is further stated in the sketch, with reference to the Aleutian Islands, that—

> the straits or passes separating the islands are of various widths, those in the easterly half being generally narrow and but few of them available for navigation. The most important are Unimak Pass, 11 miles wide, and Amukta or "Seventy-two" Pass, 42 miles wide.

This, again, is misleading.

The largest of the Aleutian Islands are near the coast of America. In proceeding westwards they become smaller, and the openings between them wider, until they end at Attu Island, 600 miles from the extremity of the Peninsula of Kamtchatka, and 370 miles from the nearest part of that land. In the Fox Islands, forming the eastern group
47 of the Aleutians, there are only a few straits, the most important being the Unimak, 11 miles wide; but Akutan and Unalga Passes are also navigable.

The following is a list of the openings into Behring Sea:

	Geographical miles.
Unimak Pass	18½
Akutan Pass	2½
Unalga Pass	1½
Umnak Pass	3
Adugakh Island (western of Fox Islands) to Kagamil Island	18
Kagamil Island to Chuginadak Island (2 openings)	4
Chuginadak Island to Yunaska Island	15
Yunaska Island to Amukhta Island (2 openings)	11
Amukhta Pass	35
Siguam Pass	12¾
Amlia Island to Atka Island	1¾
Atka Island to Ianaga Island (9 openings)	22
Ianaga Island to Illakh Island	14½
Illakh Island to Ugidakh Island	9
Amatignak Island to Amchitka Island	50
Amchitka Island to Kyska Island (3 openings)	23½
Kyska Island to Bouldir Island	64
Bouldir Island to Semitchi Islands	52
Semitchi Islands to Attu Island	15
Attu Island to Copper Island	190
Copper Island to Behring Island	26
Behring Island to Kamtchatka	95
Total	684

OF 1,060 MILES BETWEEN WESTERN END OF FOX ISLANDS AND COAST OF ASIA 668 ARE SEA.

It is thus seen that, on the southerly limit of Behring Sea, from the western end of the Fox Islands to the coast of Asia, a distance of some 1,060 geographical miles, there are about 660 miles of sea, being nearly two-thirds of the entire distance.

EXAMINATION OF TREATIES OF 1824 AND 1825.

Having shown in the last Chapter that the whole sea area comprised in the Ukase of 1821 was, from first to last, without exception of Behring Sea, the subject of the negotiations resulting in the Treaties of 1824 and 1825; and having now shown that, by the usage of geographers, the term "Pacific Ocean" includes Behring Sea, it is of importance to examine the Treaties themselves.

TREATY OF 1824 SUMMARIZED.

The first is that between the United States and Russia. By Article I, it is agreed that in any part of the Pacific Ocean the citizens or subjects of the two Powers are not to be disturbed in navigation or fishing, or in resorting to the coasts, on unoccupied points, for the purpose of trading with the natives. By Article II, United States citizens are not to resort to any point where there is a Russian establishment, without permission; nor are Russian subjects to resort without permission to any establishment of the United States on the north-west coast. By Article III, establishments are not to be formed on the north-west coast of America, by United States citizens to the north, or by Russian subjects to the south, of latitude 54° 40′. By Article IV, during a term of ten years, the ships of both countries may reciprocally frequent the interior seas, gulfs, harbours, and creeks upon the coast mentioned in the preceding Article, for fishing and trading with the natives.

British Case, p. 52. The original text is in Appendix, vol. ii, Part III, p. 12.

48

IF "NORTH-WEST COAST" INCLUDES BEHRING SEA COAST, BEHRING SEA IS IN PACIFIC OCEAN.

The effect of Article IV, as far as United States citizens are concerned, is that they may for ten years frequent the interior seas, &c., on that part of the north-west coast assigned to Russia. The liberty to do this assumes that the outer seas, which afford access to the interior seas, are not closed. If, then, the north-west coast includes the coast of Behring Sea, neither that sea, as a whole, nor a margin of 100 miles, was closed. The supposition that it was closed necessitates a restricted interpretation of the term "north-west coast": a necessity to which the United States Government and their advisers have shown themselves fully alive.

"NORTH-WEST COAST" WAS USED THROUGHOUT PRELIMINARY NEGOTIATIONS TO INCLUDE COAST FROM BEHRING STRAIT TO LATITUDE 51° NORTH.

It is proved in the British Case, by numerous extracts from the correspondence which preceded the Treaties, that the words "north-west coast" were used, throughout the negotiations, to include not less than the whole of the North American coast from Behring Strait to latitude 51° north.

British Case, p. 60.

DEFINITION IN CONTENTION (1.) PROPOUNDED AFTER THREE OTHERS HAD BEEN ANSWERED IN CORRESPONDENCE.

On what the definition of "north-west coast" in Contention (1.) is founded, the United States Case does not explain. If the framers of the Treaty of 1824 had meant to limit this very general term to the coast between Prince William Sound and the Columbia River, an interpretation clause might have been expected. Perhaps more need not be said

of this definition than that it is produced now, after three other interpretations of the term in dispute had been put forward by the United States in the correspondence preceding the Arbitration Treaty, and answered by the British Government.

ON THE 30TH JUNE, 1890, MR. BLAINE THOUGHT IT "PLAIN" THAT "NORTH-WEST COAST" WAS ONLY FROM 50° TO 60° NORTH LATITUDE.

British Case, Appendix, vol. iii "United States No. 2 (1890)," No. 497, p. 504.

In a despatch to Sir J. Pauncefote, dated the 30th June, 1890, Mr. Blaine criticizes the Treaties of 1824 and 1825, and says it is "plain" that they both limited the "north-west coast" to the coast between 50° and 60° north latitude. But in another, dated the 17th December, 1890, where he discusses the meaning of "Pacific Ocean" and "north-west coast" at length, observing that the dispute as to the former phrase "prominently involves" the meaning of the latter, he contends that "north-west coast" means the coast from 42° to 60° north latitude. Neither contention has been thought worthy of insertion in the United States Case.

But on the 17th December, 1890, he included eight nor degrees. Ibid., "United States No, 1 (1891)," No. 37, p. 38.

CONTENTION (4) LIMITS "NORTH-WEST COAST" TO THE "LISIÈRE" AS DEFINED IN TREATY OF 1825.

The remaining interpretation has survived in the form of Contention (4.). The coast-line therein referred to is plainly the "lisière" defined in the Treaty of 1825. This is the narrow strip of coast from 56° north latitude to the point of intersection of the 141st degree of west longitude. But that the words "north-west coast," as used in the Treaty of 1824, do not mean the "lisière" so defined, is evident from this one consideration; that the limits of that "lisière," finally adopted, and embodied in the Treaty of 1825, had not even been proposed when the Treaty of 1824 was signed; and all negotiations between great Great Britain and Russia had been suspended. This Treaty bears date the 17th April, 1824, and naturally contains no mention of any "lisière." A "lisière" had been under discussion between the British and Russian Governments, of which the boundaries were from time to time variously defined by "projet" and "contre-projet"; but no one of these definitions had taken the shape finally agreed on, even as late as the 8th December, 1824, when Mr. G. Canning wrote to Mr. S. Canning as follows:

But the "lisière" is not mentioned in Treaty of 1824; nor had its final limits been proposed; and negotiations for Treaty of 1825 had been suspended.

GREAT BRITAIN PROPOSES TO ADOPT ARTICLE IV OF AMERICAN TREATY, WITH ITS RECIPROCAL LIBERTY OF ACCESS TO NORTH-WEST COAST.

British Case, Appendix, vol. ii, Part I, p. 74.

We are content also to assign the period of ten years for the *reciprocal* liberty of access and commerce *with each other's territories*, which stipulation may be best stated precisely in the terms of Article IV of the American Convention.

BUT THE "LISIÈRE" WAS TO BELONG TO RUSSIA.

This shows that Mr. Canning did not understand the term "north-west coast" to be confined to the "lisière," the proposals relating to which had one unvarying condition, namely, that it was to belong to Russia. Had the term been so confined, the careful provision of Article IV, that "the ships of *both* Powers, or which belong to their citizens or subjects *respectively*, may *reciprocally* frequent, without any hindrance whatever, the interior seas," &c., becomes meaningless as far as any advantage to Russia is concerned. Further, Article II concludes thus:

FURTHER, ARTICLE II OF AMERICAN TREATY GIVES RUSSIAN SUBJECTS ACCESS TO UNITED STATES ESTABLISHMENTS ON NORTH-WEST COAST.

Reciprocally, the subjects of Russia shall not resort, without permission, *to any establishment of the United States upon the north-west coast.*

MR. BLAINE SAYS FIRST ARTICLES OF EACH TREATY ARE IDENTICAL.

Passing now to the Treaty of 1825, Mr. Blaine, in the despatch of the 17th December, 1890, above mentioned, says:

British Case, p. 53. For the original text, see Appendix, vol. ii, Part III, p. 2.

I quote the first Articles of each Treaty, for, to all intents and purposes, they are identical in meaning, though differing somewhat in phrase.

British Case, Appendix, vol. iii. "United States No. 1 (1891)," p. 38.

THEREFORE, IF ONE INCLUDES BEHRING SEA, THE OTHER DOES.

If, then, the considerations set forth above have any weight as showing that, in the first Treaty, "Pacific Ocean" includes Behring Sea, they have the same weight as showing that, in the second Treaty, "Pacific Ocean" includes Behring Sea.

ARTICLE II OF 1825 TREATY SPEAKS OF BRITISH ESTABLISHMENTS ON "NORTH-WEST COAST," PROVING THAT THAT COAST WAS NOT CONFINED TO THE "LISIÈRE."

Article II, likewise, is in substantially the same form in each Treaty, that of 1825 concluding thus:

Russian subjects shall not land without permission at any British establishment on the north-west coast.

Therefore, "north-west coast" here, too, cannot mean the "lisière."

Article III, in the original French, begins:

La ligne de démarcation entre les possessions des Hautes Parties Contractantes sur la côte du continent et les îles de l'Amérique nord-ouest, sera tracée ainsi qu'il suit:

The line is then defined. It runs from an initial point, described as being situated in 54° 40′ north latitude, to the Arctic Ocean.

Article IV defines the boundary between the narrow strip of coast already referred to as allotted to Russia and the British possessions. The strip is described as—

la lisière de côte mentionnée ci-dessus comme devant appartenir à la Russie.

Articles V and VI both distinguished between "côte" and "lisière."

MR. BLAINE AGREES WITH MR. CANNING THAT ARTICLE VII OF BRITISH TREATY IS "PRACTICALLY A REPETITION" OF ARTICLE IV OF AMERICAN TREATY.

British Case, Appendix, vol. iii. "United States No. 2 (1890)," p. 504.

Article VII closely corresponds with Article IV of the first Treaty, being, as Mr. Blaine says (here agreeing with Mr. Canning), "practically a repetition" of it. According to Contention (4.), the right given by both Articles to frequent harbours refers, not to the whole coast mentioned in Article III, but to the "lisière." But the word used in Article VII is "côte," not "lisière"; and the effect of Contention (4.) is to destroy the reciprocal character of that Article.

51

MEANING OF "NORTH-WEST COAST."

GREENHOW'S DEFINITION AGREES WITH BRITISH CONSTRUCTION.

Recurring to the expression "north-west coast" or "north-west coast of America," it is rarely that the expression in either form is found as a geographical term, or that its precise signification is specially defined in words. One instance is the definition given by Greenhow, and quoted at p. 66 of the British Case, which corresponds precisely with the position maintained by Great Britain. The term is not often found on Maps, but a somewhat extended examination of these has resulted in the discovery of a few instances of its use, at dates both before and after that of the Treaty of 1825. From an inspection of these Maps, it is quite apparent that the expression was employed in a very lax and general sense, and without precision of meaning in respect to lines of latitude and longitude.

British Case, p. 66 *et seq.*

Appendix, vol. i, pp. 105–109.

Moreover, the words "North-west coast of America" will be found in the following instances to have been used by Russia and the United States for the purpose of defining international relations under circumstances which make it evident that they were understood by the Contracting Parties as including the eastern coasts of Behring Sea.

SLAVE TRADE TREATY OF 1841.

Hertslet's Commercial Treaties, vol. vi, p. 5.

For instance, by Treaty of the 20th December, 1841, between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the Slave Trade, it is provided (Article IV) that—

Ibid., p. 19.

in no case shall the mutual right of search be exercised upon the ships of war of the High Contracting Parties.

By section 8 of Annex (B) to that Treaty, "Instructions to Cruizers," this exemption is extended to vessels of the Russian-American Company, and such vessels are to have a Russian Patent, "which shall prove their origin and destination." The form of Patent, which is set out in Hertslet's Commercial Treaties, recites this section, and proceeds: Ibid., p. 956.

Upon this ground the Administration of the Russian-American Company, being about to dispatch their ship named , built in the year , of tonnage, and commanded by , to the *North-Western coast* of America
52 to the colonies settled there, with the right to enter all ports and harbours, which necessity may require, considers it conformable to the above cited Article of the Instruction, that besides the patent authorizing the hoisting of the Russian flag by merchant-ships in general, the said vessel of the Company should be provided with this special patent to secure her against the visit of the cruizers of the Contracting Powers.

IN THIS TREATY, "NORTH-WESTERN COAST" INCLUDES COAST OF BEHRING SEA.

This is a document prepared by the Russian Government which, under the term "North-western coast," plainly includes the eastern coast of Behring Sea; for if not, it must have been intended that a vessel bound for the eastern coast of that sea was not to have a Patent, and was to be exposed by its Government to the risk of search, though the Treaty authorized its exemption.

TREATY OF 1843.

The Treaty of the 11th January, 1843, between Great Britain and Russia (Article XII) says— Hertslet's Commercial Treaties, vol. vi, p. 767.

It is understood that, in regard to commerce and navigation in the Russian possessions on the *north-west coast* of America, the Convention concluded at St. Petersburgh, on the 16th (28th) February, 1825, continues in force.

The presumption is strong that "North-west coast" in 1843 meant exactly what "North-western coast" meant when used by Russia in 1841.

TREATY OF 1859.

The Treaty of the 12th January, 1859, between Great Britain and Russia (Article XIX) says— Ibid., vol. x, p. 1063.

In regard to commerce and navigation in the Russian possessions on the *North-West Coast* of America, the Convention concluded at St. Petersburgh on the 16th (28th) February, 1825, shall continue in force.

By Article XXII this Treaty lasts for ten years (therefore till after 1867).

BRITISH VESSELS NAVIGATED BEHRING SEA WITHOUT HINDRANCE THROUGHOUT THE RUSSIAN DOMINATION IN ALASKA.

It cannot be denied that subsequently to this Treaty (as well as before), and down to the year 1867 (the date of the cession of Alaska to the United States), vessels carrying the British flag were, without let or hindrance from Russia, navigating, fishing, and trading in the waters of Behring Sea.

A NOTICE BY THE UNITED STATES IN 1845 ASSUMES THAT THE TREATY OF 1824 INCLUDES THE WHOLE RUSSIAN-AMERICAN COAST NORTH OF LATITUDE 54° 40′.

Further evidence that no distinction was drawn by the United States Government between the coasts of Behring Sea and those of the rest of the Pacific is afforded by the Notice which is referred to at p. 59 of the United States Case, and is printed in full in United States Appendix, vol. i, p. 91. The Notice which was published on the 26th September, 1845, at the request of Russia by the United States Government, is as follows:

United States Case, p. 59.
Appendix, vol. i, p. 91.

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> The Russian Minister at Washington has informed the Secretary of State that the Imperial Government, desirous of affording official protection to the Russian territories in North America against the infractions of foreign vessels, has authorized cruizers to be established for this purpose along the coast by the Russian-American Company.
>
> It is, therefore, recommended to American vessels to be careful not to violate the existing Treaty between the two countries, by resorting to any point upon the Russian-American coast where there is a Russian establishment, without the permission of the Governor or Commander, nor to frequent the interior seas, gulfs, harbours, and creeks upon that coast at any point north of the latitude of 54° 40′.

It is clear that this Notice was not intended to apply only to so much of the Russian-American coast as lies between latitude 60° or latitude 59° 30′, or any other particular point, and latitude 50° 40′.

Its real object was to remind the subjects of the United States of the provisions of the Treaty of 1824 which restrained their right to visit places on the Russian-American coast where there were Russian establishments, without the permission of the Governor.

DOCUMENTS CITED TO SHOW RUSSIAN ASSERTIONS OF CONTROL OVER BEHRING SEA, PROVE NONE, INTERPOLATIONS EXPUNGED.

United States Case, p. 53.

The Case of the United States further invites attention upon this point to—

> the express declarations of the Russian Government on the subject during the negotiations, and after the Treaties had been celebrated.

Two quotations are given in this connection from the correspondence of the Russian-American Company.

United States Case, pp. 53, 54.
(For revised translation, see Appendix vol. i, p. 26.)

The sense of the first quotation from a letter from the Russian Minister of Finance to the Board of the Russian-American Company of the 18th July, 1822, is seriously altered by an interpolation:

> The Rules to be proposed will probably imply that it is no longer necessary to prohibit the navigation of foreign vessels for the distance mentioned in the Édict of 4th September, 1821, and that we will not claim jurisdiction over coastwise waters beyond the limits accepted by any other Maritime Power [FOR THE WHOLE OF OUR COAST FACING THE OPEN OCEAN. OVER ALL INTERIOR WATERS, HOWEVER, AND OVER ALL WATERS INCLOSED BY RUSSIAN TERRITORY SUCH AS THE SEA OF OKHTSK, BERING SEA, OR THE SEA OF KAMCHATKA, AS WELL AS IN ALL GULFS, BAYS, AND ESTUARIES WITHIN OUR POSSESSIONS, THE RIGHT TO THE STRICTEST CONTROL WILL ALWAYS BE MAINTAINED]

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By the introduction of the words "facing the open ocean," and the addition of the concluding sentence, a passage which completely supports the view of Her Britannic Majesty's Government, has become the foundation-stone upon which the contrary argument of the United States is based.

The second quotation in support of the United States contention is taken from the Report of the Committee which considered the effect of the Treaty between Russia and the United States. This has been already dealt with at pp. 33–35; and it is only necessary here to repeat the opening sentence of the quotation with its interpolations:

United States Case, pp. 54. 55. (For revised translation, see Appendix, vol. i, p. 34.)

> Since the sovereignty of Russia over the shores of Siberia [AND AMERICA], as well as over the Aleutian Islands [AND THE INTERVENING SEAS], has long since been acknowledged by all Powers.

The passage read without the interpolations materially helps the British contention.

CONCLUSIONS.

From the facts and argument advanced in this chapter, it is submitted that it is established—

(*a.*) That the Conventions of 1824 and 1825 declared and recognized the rights of the subjects of Great Britain and the United States to navigate and fish in all parts of the non-territorial waters over which the Ukase purported to extend.

(*b.*) That the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia; and

(*c.*) That the constructions placed on the term "North-west coast" or "North-west coast of America" in the Case of the United States are unsound.

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CHAPTER IV.

HEAD (D).—*The user of the Waters in question from 1821 to 1867.*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 40—

"The Pribiloff Islands, the home of the Alaskan seal herd, are situated less than 200 Italian miles from the Aleutian Chain on the south, and thus a sufficient portion of the eastern half of Bering Sea was covered by the Ukase to enable Russia to protect the herd while there."

(2.) United States Case, p. 57—

"The burden is thus placed upon Great Britain to show that this jurisdiction, recognized in the year 1825 to exist, has been lost. It is not claimed that it was exercised for all purposes. Russia never sought to prevent vessels from passing through Bering Sea, in order to reach the Arctic Ocean; nor did she always strictly enforce the prohibition of whaling within the distance of 100 miles from its shores; but, so far as the fur-seals are concerned, it will be made to appear in what follows that the jurisdiction in question was always exercised for their protection."

(3.) United States Case, p. 61—

"There is found positive confirmation that by the treaties of 1824 and 1825 Russia did not surrender her claim to exclusive control of trade, and especially of the fur industry, in Bering Sea, in the fact that the same control over the waters of that sea was enforced after the date of those treaties as before."

(4.) United States Case, p. 69—

"Third. That after said treaty of 1825 the Russian Government continued to exercise exclusive jurisdiction over the whole of Bering Sea up to the time of the cession of Alaska to the United States, in as far as was necessary to preserve to the Russian-American Company the monopoly of the fur-seal industry, and to prohibit the taking on the land or in the water by any other persons or companies of the fur-seals resorting to the Pribiloff Islands.

"Fourth. That before and after the treaty of 1825, and up to the date of the cession of Alaska to the United States, British subjects and British vessels were prohibited from entering Bering Sea to hunt fur-seals, and that it does not appear that the British Government ever protested against the enforcement of this prohibition."

(5.) United States Case, p. 73—

"It has also been seen that the great source of wealth of the Russian-American Company was the fur-seals of the Pribiloff Islands in Bering Sea, and that so jealously was this source of wealth guarded by the orders and authority of the Imperial Government that foreign vessels were prohibited from hunting seals in any part of Bering Sea, or in the passes of the Aleutian Islands; and that for the enforcement of this prohibition cruizers were employed in patrolling that sea so long as it remained Russian territory."

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SUMMARY OF BRITISH REPLY.

The burden cannot lie on Great Britain of proving that a jurisdiction never acquired by Russia, or recognized by other nations, has been lost.

Russia showed no forbearance in not putting a stop to whaling. In 1846, her Foreign Minister wrote: "We have no right to exclude foreign ships from that part of the great ocean which separates the eastern shore of Siberia from the north-western shore of America."

By the Treaties, Russia did surrender her paper claim to the exclusive control of trade in Behring Sea. The Charters afterwards granted to the Russian-American Company, like that which had been granted in 1799, only purported to give this Company privileges to the exclusion of other Russian subjects. No Charter but that of 1821 affects to exclude foreigners.

The great source of that Company's wealth was not the fur-seal, which was formerly of less value than the otter.

There is no evidence of the exclusion of foreign ships from Behring Sea, or from seal hunting therein, and the only evidence adduced that Russia directed such an exclusion consists of the interpolations, now withdrawn, of a translator in contemporary documents.

CONTENTION THAT RUSSIA EXERCISED JURISDICTION IN BEHRING SEA FOR PROTECTION OF SEALS.

The above cited contentions on behalf of the United States, assert in effect that the jurisdiction of Russia over Behring Sea was consistently and specifically exercised for the protection of the fur-seal fishery; and that the object of the Russian Government in the alleged exclusion of Behring Sea from the effect of the Treaties of 1824 and 1825, was the protection of the fur industry. United States Case, p. 57. Ibid., p. 59.

The British Case has already dealt with the alleged exercise of jurisdiction by Russia over Behring Sea, as a matter of fact, and as regards the alleged object of that jurisdiction, viz., the protection of the fur industry. Reference must be made to the documents mentioned in Chapter II of the British Case, where it is shown that the purpose of the Ukase of 1821 was to prevent illicit trading, and interference with the trade of the Russian-American Company; as well as to the facts fully set out in Chapter IV of the British Case, which show that, both before and after the date of the Treaties of 1824 and 1825, foreign vessels habitually frequented Behring Sea for the purpose of exploration, trading, and fishing. British Case, p. 39.

The instructions sent out by the Russian Foreign Office in the year 1846, are alone sufficient to negative conclusively the present contention of the United States upon this point. Not only was the limit of 100 miles, which it had been endeavoured to establish by the Ukase, not enforced; but, as appears by the instructions, it was not contemplated to prohibit the approach of foreign vessels, or to interfere with them in any way, beyond the recognized limit of 3 miles from the shores. Ibid., pp. 84, 85.

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It is further asserted, on behalf of the United States, that "the reason why the limit of 100 miles was chosen in 1821," was that this limit would "secure to the Russian-American Fur Company the monopoly of the very lucrative profit*" carried on by them. It is argued that, as the Pribyloff Islands are situated less than 200 Italian miles from the Aleutian chain on the south, a sufficient portion of the eastern half of Behring Sea was covered by the terms of the Ukase to enable Russia to protect the fur-seal fishery. United States Case, pp. 39, 40. Ibid., p. 40. Ibid., p. 41.

* A misprint for "traffic." See United States Case, Appendix, vol. i, p. 35.

IN 1822, THE SEA-OTTER WAS MORE IMPORTANT THAN THE FUR-SEAL.

It is true that in the conversation with the Governor-General of Siberia, quoted at p. 40 of the United States Case, reference is made to the "very lucrative traffic" carried on by the Russian-American Fur Company; but it must be noted that the trade in fur-seal skins was not the sole, or even the most considerable, item in that traffic. The sea-otter was still the chief object of the hunters and traders at this date, and had continuously been so from the first. It commanded a far higher price in the market than any other skin. The traffic also included foxes, martens, beavers, bears, and other fur-bearing animals; while the fur-seal skins, though obtainable in large numbers, commanded only a small price.

Cook writes of the Russians met with by him in 1778:

Cook's "Voyages," vol. ii, p. 509.

> Their great object is the sea-beaver or otter. I never hear them inquire after any other animal; though those, whose skins are of inferior value, are also made part of their cargoes.

Referring to a later date, contemporaneous with that of the Anglo-Russian Treaty, Bancroft writes:

Alaska, History of, p. 538.

> In 1825 fur-seal skins were bartered in the Sandwich Islands by the captain of one of the Company's ships on the basis of 1 dol. 75 c. per skin. This seems an extravagant price, when, as will be remembered, the price at Kiakhta was only 5 to 7 roubles in scrip
> 58 (1 dollar to 1 dol. 40 c.); but it was the usual rate at which furs were exchanged at Novo Arkhangelsk with American and English skippers.

See *ante*, p. 57

It thus appears that the quotation at p. 40 of the United States Case does not support the inference which is sought to be drawn from it, that the limit of 100 miles was specially chosen for the protection of the fur-seals.

This limit, moreover, goes much further than was necessary if the protection of fur-seals had been the object of the Russian Government. The enforcement of the 100-mile limit would have absolutely precluded foreign vessels from navigating, for any purpose, in any part of Behring Strait, Behring Sea, the Sea of Okhotsk, and a large area of ocean south of the Aleutian Chain and along the coasts of both continents.

United States Case, p. 57.

An attempt is made in the United States Case, in one of the passages set out at the head of this Chapter, to explain the undoubted fact, relied upon by Great Britain, that no restraint was ever placed by Russia upon the free entrance of foreign vessels into Behring Sea for the purposes of navigation, and especially for the prosecution of the whale fishery.

RUSSIA'S ALLEGED SPECIAL RESERVATION OF FUR-SEAL FISHING, WOULD NOT HAVE BEEN KNOWN TO SEAMEN.

No sufficient naval force in Behring Sea to give effect to the reservation.

It is plain that, in the absence of any public notification, the alleged special reservation in respect of fur-seals, (assuming that it ever had any existence in fact, or any legal validity,) never could have come to the knowledge of

the seamen of various nations who from time to time visited these regions. Nor did Russia ever attempt to maintain in Behring Sea a naval force capable of giving effect to any such prohibition by force of arms.

NO EVIDENCE OF RESERVATION.

In the second place, attention is called to the fact that no evidence is forthcoming to support the alleged reservation of the exclusive right of sealing.

It has already been shown that, prior to the Treaty of 1825, Russia possessed no such sovereignty over the shores of Behring Sea as would enable her to exclude the vessels of other nations even from the coasts. Much less had she power to exclude vessels upon the high seas, either from navigating thereon, or from the exercise of any particular industry.

59 Neither in the negotiations nor in the Treaties is there any reservation of a right to exclude foreigners from the particular pursuit of seal fishing.

WHALING IN BEHRING SEA LARGELY DEVELOPED AFTER TREATIES.

Whaling, which was expressly forbidden by the Ukase, was admittedly carried on without restraint after the Treaties, and there is ample evidence of the large development of this industry. British Case, p. 89.

Evidence on this matter has already been adduced in the British Case; but with further reference to the operations of whalers in years subsequent to 1840, the following passage may be quoted from an account of the fishery by Ivan Petroff. In discussing the condition of the Territory of Alaska prior to its cession to the United States, he writes:

> Under the terms of the Treaty with England and America no vessel of either of those two nations was allowed to hunt or fish within 3 marine leagues [*sic*] of the shore; but as there was no armed Government craft in the Colonies the provisions of the Treaty were totally disregarded by the whalers.

Quoted by A. H. Clark, in "Fisheries and Fishing Industries of the United States," vol. ii, pp. 205, 206.

Referring to a later date, and writing in 1870, Dr. W. H. Dall makes the following remarks concerning certain forms of traffic carried on in and about Behring Sea:

> Since 1850, traders from the Sandwich Islands have visited Kotzebue Sound and Grantley Harbour every spring. . . . . They load at Honolulu with ammunition, double-barrelled Belgian fowling-pieces, hardware, and rum or alcohol. They follow up the melting ice, and usually reach Behring Strait in the latter part of June. Their tariff of prices amounts to about 50 cents apiece for martens, in goods. They are usually provided with whaling implements, and manned by Kanakas. A single whale will pay the expenses of the voyage and leave the profits of the trade clear.

"Alaska and its Resources," p. 502.

That trading was going on within the limits of Behring Sea in the years immediately preceding and following 1821, has already been shown by the correspondence cited on pp. 20 and 21.

There is thus no evidence whatever of the existence, the enforcement, or the recognition by other nations of any restriction upon sealing.

BURDEN OF PROVING LOSS OF JURISDICTION BY RUSSIA DOES NOT LIE ON GREAT BRITAIN.

United States Case, p. 57.

It is emphatically denied that the burden lies on Great Britain of proving that Russia has lost her alleged jurisdiction in Behring Sea. The plain meaning of the Treaties indeed leaves no point to be proved; but, in any case, when a nation is contending for a jurisdiction
60 in excess of that which is admitted by international consent, the onus must rest with that nation of proving the existence of such jurisdiction by instances of its exercise, or of its recognition by other Powers. The claims of the United States cannot be supported merely by the negative fact that, for many years after the Ukase and the Treaties, there is no record of pelagic sealing in Behring Sea.

British Case, Appendix, vol. iii. "United States No. 2 (1890)," No. 382, p. 519. See also British Case, p. 141.

On this point, Lord Salisbury, in his despatch to Sir J. Pauncefote of the 2nd August, 1890, wrote in the following words:

> It is impossible to admit that a public right to fish, catch seals, or pursue any other lawful occupation on the high seas can be held to be abandoned by a nation from the mere fact that for a certain number of years it has not suited the subjects of that nation to exercise it.

ABSENCE OF SEALING-VESSELS FROM BEHRING SEA WAS NOT DUE TO RUSSIAN EXCLUSION.

British Commissioners' Report, para. 100. United States Case, p. 187.

That the absence of sealing-vessels from Behring Sea was not due to any exclusion by Russia, is attested by the United States Case itself; where it is shown that pelagic sealing was never attempted as a practical industry until after the cession of Alaska to the United States.

It is clear, moreover, that the Russian Government, in 1846, took a different view of its rights from that now contended for by the United States. In that year, the Government was specially invited by the Governor-General of Eastern Siberia to enforce the prohibition of whaling within a distance of 40 miles of the shore. The reply of the Russian Government was, however, not that it preferred not to "strictly enforce" such right, but that no kind of right existed. The Foreign Office wrote:

United States Case, p. 57.

RUSSIAN FOREIGN OFFICE SAYS THAT IT HAS NO RIGHT TO EXCLUDE FOREIGN SHIPS FROM BEHRING SEA.

Tikmenieff, British Case, Appendix, vol. i, p. 41.

> "*We have no right to exclude foreign ships from that part of the great ocean which separates the eastern shore of Siberia from the north-western shore of America,* or to make the payment of a sum of money a condition to allowing them to take whales." The Foreign Office were of opinion that the fixing of the line referred to above would reopen the discussions formerly carried on between England and France on the subject. The limit of a cannon-shot, that is about 3 Italian miles, would alone give rise to no dispute. The Foreign Office observed, in conclusion, that no Power had yet succeeded in limiting the freedom of fishing in open seas, and that such pretensions had never been recognized by the other Powers.

The instructions to cruizers with reference to whaling in Okhotsk Sea, quoted at p. 113 of the Case for Great Britain, are to the same effect. British Case, p. 113.

CONTENTION THAT RUSSIA STILL EXERCISED CONTROL IN BEHRING SEA AFTER TREATIES.

61 It is stated on the part of the United States in one of the passages placed at the head of this chapter—

that by the treaties of 1824 and 1825 Russia did not surrender her claim to exclusive control of trade, and especially of the fur industry, in Bering Sea. United States Case, p. 61.

Positive confirmation of this assertion is stated to be found in the alleged circumstance that the same control over the waters of that sea was enforced after the date of the Treaties as before.

The evidence offered in support of this assertion consists of the Charters granted to the Russian-American Company in 1829 and 1842, and of extracts from the Company's records.

The Charter of 1829 is described in the United States Case as a confirmation of the Charter of 1821, except in so far as it had been modified by the Treaties of 1824 and 1825. Ibid.

The modifications here referred to are of great importance, and deserve most careful consideration.

By Section 1 of the Rules attached to the Ukase of the 7th September, 1821— Ibid., Appendix, vol. i, p. 16.

the pursuits of commerce, whaling, and fishery, and of all other industry on all islands, ports, and gulfs, including the whole of the north-west coast of America, beginning from Behring Straits to the 51st degree of northern latitude . . . . is *exclusively granted to Russian subjects.* British Case, Appendix, vol. i, p. 1.

By Article II of the Charter of the 13th September, 1821, the Emperor proceeded to grant to the Russian-American Company— United States Case, Appendix, vol. i, p. 25.

RUSSIAN-AMERICAN COMPANY'S CHARTER OF 1821 PURPORTS TO EXCLUDE FOREIGNERS FROM COMPETING WITH COMPANY.

the privilege of hunting and fishing, *to the exclusion of all other Russian or foreign subjects* throughout the territories long since in the possession of Russia on the coasts of North-west America, beginning at the northern point of the island of Vancouver, in latitude 51° north, and extending to Bering Strait and beyond. . . . .

In Article VI of the Charter it is further set forth that— United States Case, Appendix, vol. i, p. 25.

In order that the Company may enjoy the exclusive rights bestowed upon it, and to prevent in the future any molestation or disturbance on the part of *Russian subjects or foreigners*, rules and regulations have been established, &c.

62 It is obvious that the language of this Charter and the change from that employed in the Ukase of 1799, was consequent upon the language used in the Ukase of 1821; by which, for the first time, as has been repeatedly pointed out, Russia attempted to exclude the subjects of foreign nations from the whole of the area therein referred to.

BUT CHARTER OF 1829 ONLY PURPORTS TO EXCLUDE OTHER RUSSIAN SUBJECTS.

In the first Charter granted subsequently to the Treaties of 1824 and 1825, viz., that of the 29th March, 1829, there is a striking change in the language used.

United States Case, Appendix, vol. i, p. 28.

Articles 2 and 3 of this Charter are as follows:

(2.) The limits of navigation and industry of the Company are determined by the Treaties concluded with the United States of America April 5 (17), 1824, and with England February 16 (28), 1825.

(3.) In all the places allotted to Russia by these treaties there shall be reserved to the Company the right to profit by all the fur and fish industries, *to the exclusion of all other Russian subjects.*

If the Russian Government had considered itself entitled, in spite of the Treaties, to close Behring Sea to the approach of foreigners, it is inconceivable that the Charters should not have been so worded as to reserve the waters and coast of Behring Sea, while opening to foreigners the waters and coasts to the southward of that sea.

Ibid., p. 68.

If this distinction was to be drawn at any time, it must of necessity have been drawn upon this occasion, and the omission to do so becomes more significant when the Charters of 1829 and 1844 are read in connection with the protests of the Russian-American Company against the terms of the Treaties, and with the proceedings of the Committee which investigated those complaints in 1824.

Ibid., p. 28.

The Charter of 1844 is equally significant.

Section 2 sets out the boundary-line which was described by the Treaty of 1825 between Great Britain and Russia.

Section 3 is in the following terms:

COMPANY'S CHARTER OF 1844 ONLY PURPORTS TO EXCLUDE OTHER RUSSIAN SUBJECTS.

Ibid., p, 29.

SEC. 3. In all places annexed to Russia by the above-mentioned delimitation there is granted to the Company the right to carry on the fur and fishing industries *to the exclusion of all Russian subjects.*

The above extracts show conclusively that, after the Treaties which resulted from the negotiations upon the question of the Ukase of 1821, the claim to exclude foreigners from navigating, hunting, and fishing, asserted by Russia in that Ukase, was definitely abandoned and never revived. The reference to foreigners disappeared from the Charter of the Company.

63

It is further to be noted that the limits of the Company's territories are clearly defined in each of the three Charters quoted above; and though they are not described in identical terms in each Charter, the coast-line which is granted includes in each case the whole Russian shore from the Arctic Ocean to the southernmost limit.

United States Case, pp. 68, 69.

Further quotations are made at pp. 68 and 69 of the United States Case, as to all of which it may be remarked that the documents quoted are of a purely municipal character, affecting Russian subjects only.

Two points, however, deserve more detailed notice:

PROPOSALS FOR RENEWAL OF COMPANY'S CHARTER IN 1865 AND 1866 DO NOT SUGGEST EXCLUSION OF FOREIGNERS.

1. In the proposals for the renewal of the Company's Charter in 1865 and 1866, there is no suggestion that powers should be granted to exclude foreigners, such as had been granted by the Charter of 1821, and subsequently abandoned in the Charters of 1829 and 1844.

2. The letter of the Minister of Finance, dated the 19th June, 1865, affords further confirmation of the fact that the Russian Government was unaware of the existence of any such special jurisdiction over the waters of Behring Sea as is now claimed by the United States as the successors of that Government.

Ibid., p. 68. United States Case, Appendix, vol. i, p. 75.

EXCLUSIVE PRIVILEGES TO BE GRANTED TO COMPANY ONLY RELATE TO LAND (NOT SEA).

The Minister proposed, in paragraph 15, to reserve to the Company the exclusive right of engaging in the fur-trade as defined within the following limits:

On the peninsula of Alaska, reckoning as its northern limit a line drawn from Cape Douglass, in Kenia Bay, to the head of Lake Imiamna; on all the islands lying along the coast of that peninsula; on the Aleutian, Commander, and Kurile Islands and those lying in Bering's Sea, and also along the whole western * coast of Bering's Sea.

REVOCATION OF PRIVILEGES ON EASTERN COAST OF BEHRING SEA.

But to revoke—

64 in the district to the north-east of† the peninsula of Alaska along the whole coast to the boundary of the British possessions, also on the islands lying along this coast, including in that number Sitka and the whole Koloshian archipelago, *and also, on land, to the northern extremity of the American Continent,* the privilege granted to the Company of the exclusive prosecution of the said industry and traffic.

Revised translation, Appendix, vol. i, p. 42.

This is described in the United States Case as a decision—

to extend the Company's privileges only to the region about Bering Sea.

United States Case, p. 68.

It is supposed, apparently, that it contains evidence of the exercise of the extraordinary jurisdiction over Behring Sea which is claimed in the United States Case; but, in fact, it furnishes evidence to the contrary, and can only be made to bear the construction thus placed upon it by an unfounded suggestion that, when the writer mentioned the western shore, he meant to refer to the eastern. The

*The foot-note, United States Appendix, vol. i, p. 77, is obviously erroneous. The passage as it stands deals, in due course, with *all* the shores of the Russian possessions. But the proposed substitution of "eastern" for "western" involves the omission of all reference to the Asiatic shores, and renders meaningless the subsequent words "on land to the northern extremity of the American Continent."

†The exact translation of the Russian text is "from."

accuracy of expression of the passage, as it stands, becomes clearly apparent on following its description with the aid of a Map.

THE PROPOSED CHARTER WOULD HAVE PUT THE COASTS SOUTH OF BEHRING SEA ON THE SAME FOOTING AS THOSE OF BEHRING SEA ITSELF.

The passage shows that, so far from asserting exclusive rights "*to the region about Behring Sea*," the writer actually proposed to abolish the exclusive privilege of the Company upon the eastern shores of that sea, and treated those coasts and the coasts of the Pacific to the eastward and southward of the Alaskan Peninsula, including Sitka, as subject in precisely the same manner and to the same extent to the jurisdiction of Russia.

British Case, pp. 79–83.

The correspondence in respect to the "Loriot" further shows that in the year 1837 the United States maintained, in accordance with the present contention of Her Majesty's Government, that the Ist Article of the Treaty of 1824 was in itself sufficient to entitle the subjects of the United States "to fish in these seas, and to resort to the coast for the prosecution of their lawful commerce upon points not already occupied." It was moreover claimed on the part of the United States that such rights applied to "any part of the unoccupied coast of North America"; and though the North-west coast is several times mentioned, it is not in any way defined or restricted to any special meaning, but obviously includes the whole coast of the continent to the north of latitude 54° 40′. It is a matter of history, that in the years immediately succeeding the "Loriot" incident, and subsequently, the vessels of various nations, but more particularly those of the United States, began to resort to and frequent the shores of the Aleutian Islands and the continental shores of Behring Sea, so soon as the exigencies of the whale fishery rendered it convenient for them so to do.

Ibid., p. 80.

Ibid., p. 61.

United States Case, pp. 60–67.

The remainder of the evidence upon which the Case for the United States depends, in respect of the period now under discussion, consists of extracts from the correspondence of the Russian-American Company.

EXCEPT IN INTERPOLATIONS, LETTERS OF RUSSIAN-AMERICAN COMPANY DO NOT EXPRESS EVEN THE INTENTION TO EXERCISE MARITIME CONTROL.

For example, at p. 61, the following passage from a letter, dated the 18th August, 1824, written by Count Nesselrode to the Minister of Finance, is quoted:

United States Case, p. 61. (For revised translation, see Appendix, vol. i, p. 32.)

. . . it is His Majesty's firm determination to protect the Company's interests [IN THE CATCH AND PRESERVATION OF ALL MARINE ANIMALS, AND TO SECURE TO IT ALL THE ADVANTAGES TO WHICH IT IS ENTITLED UNDER THE CHARTER AND PRIVILEGES].

It is now admitted that the words within brackets are interpolated.

No comment is required upon the extract above quoted, as the interpolated passage has been withdrawn; but when

the original letter is examined, it will be found that it had no relation whatever to the protection of seals at sea, but related entirely to the taking of seals on the Islands of St. Paul and St. George, and the Commander Islands; and it has, therefore, no bearing upon the present argument.

The letter of the Board, dated the 20th March, 1853, from which several quotations are made at pp. 62–66 of the United States Case, deserves more attention. Ibid., pp. 62–66. (For revised translation, see Appendix, vol. i, p. 39.)

The first quotation is as follows:

> The board of Administration respectfully requests that, in case the interests of the Company require a deviation from our plans, your Excellency will never lose sight of the fact [THAT THE INTERESTS OF THE COMPANY ARE CENTERED AT THE PRESENT TIME IN THE DISTRICT SURROUNDING THE SEAL ISLANDS OF THE PRIBYLOF AND COMMANDER GROUPS, AND] that consequently the colonial waters
> 66 must be visited by the Company's cruizers constantly and in every part, in order to watch *and warn* the foreign *whalers*.

This is twice quoted in the United States Case, and special attention is directed to it at p. 63, as a communication which— United States Case, pp. 62, 66.

> throws much light upon the commercial activity of the Russian-American Company, and may be accepted as indicative of the methods by which, during the last term of its charter, it enforced its control, in the colonial waters. . . .

The value of this passage for the purpose for which it is quoted is, however, entirely destroyed by the discovery that the words which have been here printed within brackets are mere interpolations in the text of the despatch, and do not exist in the original Russian.

The second passage is as follows:

> [THIS AGENT MUST OBSERVE AND KEEP A RECORD OF ALL FOREIGN SHIPS SEEN DURING THE VOYAGE, AND OF THE POSITION OF THE SAME WHEN OBSERVED, FOR THE INFORMATION OF COMMANDERS OF OUR ARMED CRUIZERS AND OF THE COLONIAL AUTHORITIES IN SITKA, KAMCHATKA, AND AYAN.] Ibid., p. 63. (For revised translation, see Appendix, vol. i, p. 37.)

No part of this passage is to be found in the original Russian.

The third quotation is of greater length than the others, and refers to what is termed in the United States Case a "protective scheme." The inaccuracies of the translation of this passage are too numerous to be here noticed, but may be seen at once by a comparison with the literal translation in the Appendix to this Counter-Case. United States Case, pp. 64–66. Appendix, vol. i, pp. 38, 39.

Throughout this despatch, when correctly translated, there is no mention whatever of the protection of the fur-seals. It is true that instructions are given to watch until—

> the foreign whalers eave Behring Sea, viz., the last part of August or the beginning of September, Ibid., p. 38, paragraph 3. See also last paragraph of despatch.

but the only indication given as to the object of such watching is to be found in the following words:

> To keep watch over the foreign whalers and the Englishmen, with regard to the trade carried on by them with our savages. Ibid., p. 30, paragraph 5.

67 NO EVIDENCE IS OFFERED THAT ANY FOREIGN SHIP WAS EXPELLED BY RUSSIA.

But even if the preservation of fur-seals or fur-seal fisheries had been specially mentioned as the object of these instructions, it is denied that they could have any weight as evidence for the purpose for which they are quoted in the United States Case, unless it could be shown that they were acted upon in practice by the expulsion of a foreign ship. Of this, however, no evidence is offered, and it is confidently asserted that no such evidence exists.

United States Case, p. 67. (For revised translation, see Appendix, vol. i, p. 41.)

At p. 67 of the United States Case, the following extract is quoted from the letter from the Chief Manager of the Russian Colonies to Benzeman, dated 20th June, 1861:

> 9. It has come to my knowledge that in the present year two whaling-vessels have sailed from San Francisco for the purpose of trading on the Pribilof Islands [OR OF HUNTING IN THEIR VICINITY.] Consequently, I would suggest that during your presence in those waters you will exercise the duties of an armed cruiser, [TO PREVENT ANY UNLAWFUL ACTS ON THE PART NOT ONLY OF THESE TWO VESSELS, BUT OF ANY OTHERS WHICH YOU MAY FIND IN BERING SEA].

It will be seen that the passages printed in brackets are not to be found in the original Russian, while the "instructions herewith inclosed, which have been approved by the Emperor" (see paragraph 9, revised translation), have not been produced by the United States, although they are essential to the correct appreciation of the despatch in which they were inclosed.

United States Case, p. 67. (For revised translation, see Appendix, vol. i, p. 43.)

The proclamation issued at Sitka in 1864 is similarly made to serve as evidence in the United States Case, by the insertion of the words "*or waters.*" No such words occur in the original, which is merely a notice to quit Russian *territory.*

CONCLUSIONS.

From the considerations referred to in this Chapter, it is submitted that the conclusions claimed to have been established in the British Case, as stated at p. 90, are fully supported; and that the further evidence which has been adduced clearly shows that, with the growth of commerce and increase of trade subsequently to the year
68 1821, vessels of nations other than Russia without let or hindrance frequented, traded, and fished in the waters of Behring Sea; and that no attempt was ever made during the whole period to restrict the use of those waters to vessels carrying the Russian flag.

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CHAPTER V.

HEAD (E.)—*What Rights passed to the United States under the Treaty of Cession of the 30th March, 1867?*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 70—

"This treaty, which, prior to its final consummation, had been discussed in the Senate of the United States and by the press, was an assertion by two great nations that Russia had heretofore claimed the ownership of Behring Sea, and that she had now ceded a portion of it to the United States; and to this assertion no objection is ever known to have been made."

(2.) United States Case, p. 74—

"Their value [the fur-seals] was well known to the American negotiators of the treaty of 1867, and while it must be admitted that political considerations entered into the negotiations to a certain extent, yet so far as revenue to the Government and immediate profit to its people were concerned, it will appear from a careful study of the incidents attending the transfer of sovereignty that it was the fur industry more than all other considerations which decided the United States to pay the sum of 7,200,000 dollars required by Russia for the cession and tranfer of her sovereign rights and property."

(3.) United States Case, p. 85—

"The understanding which existed in the United States, at the time of the purchase and cession of Alaska, as to the scope and effect of the jurisdiction exercised by Russia over the waters of Bering Sea, and the enhanced value which was thereby placed upon the fur-seal herd of the Pribiloff Islands."

SUMMARY OF BRITISH REPLY.

The Treaty of 1867 only assigns territory, not sea.

The value of the fur-seal herd was not taken into account in the purchase by the United States.

CONTENTION THAT TREATY OF 1867 WAS ASSERTION OF OWNERSHIP OF BEHRING SEA.

With reference to the contention first quoted above, it is to be observed that neither the Treaty of 1867, nor any other document published or communicated to foreign nations in connection therewith, asserted any claim to the ownership of Behring Sea. Upon this point, attention is invited to the observations contained in Chapter V of the British Case.

United States Case, p. 70.

British Case, pp. 91–102.

70 The extracts from the debates in Congress, and the negotiations which took place prior to the completion of the Treaty, show conclusively that it was not supposed by the advisers of the United States, or by any person on their behalf, that any exclusive dominion over Behring Sea was being acquired.

REPORTS OF COMMITTEES OF CONGRESS.

At pp. 75 and 76 of the United States Case reference is made to the Report of a Committee of Congress, and copious quotations are made therefrom. This Report, however, is not one made at or about the time of the Treaty, or the acquisition of Alaska, but is that of a Committee of Congress which sat in the year 1889 after the present controversy had arisen.

No reference is made in the United States Case to the report of any previous Committee of Congress. Such reports, however, exist, and are of a directly opposite tendency. There is, for example, the Report mentioned in Bancroft's "History of Alaska" (p. 595), in the following terms:

FOREIGN AFFAIRS COMMITTEE, IN 1868, STATES OBJECTS OF PURCHASE FROM RUSSIA, WITHOUT EVEN MENTIONING THE ACQUISITION OF BEHRING SEA.

Alaska, p. 595.

The motives which led the United States Government to purchase them [Russia's American possessions] are thus stated in a report of the committee on foreign affairs published 18th May, 1868: "They were, first, the laudable desire of citizens of the Pacific coast to share in the prolific fisheries of the oceans, seas, bays, and rivers of the Western World; the refusal of Russia to renew the Charter of the Russian-American Fur Company in 1866; the friendship of Russia for the United States; the necessity of preventing the transfer, by any possible chance, of the north-west coast of America to an unfriendly Power; the creation of new industrial interests on the Pacific necessary to the supremacy of our empire on the sea and land; and finally, to facilitate and secure the advantages of an unlimited American commerce with the friendly Powers of Japan and China."

Again, the Committee of Ways and Means, to which, in 1876, was referred a Resolution of the House of Representatives, directing an investigation into certain matters relating to the lease by the United States Government to the Alaska Commercial Company, presented a Report, from which the following is an extract:

A COMMITTEE IN 1876, SAYS THAT SEAL ISLANDS WERE NOT CONSIDERED IN PURCHASE.

H. R. Ex. Doc., 44th Cong., 1st Sess., No. 623, p. 12.

When the proposition to purchase the Alaska Territory from Russia was before Congress, the opposition to it was very much based on alleged barrenness and worthlessness of the territory to be acquired.

It was supposed that though there might be many political reasons for this addition to the American Pacific possessions, there were not commercial or revenue advantages. *The value of those seal islands was not considered at all. Russia had derived but little revenue from them, indeed a sum not sufficient to pay the contingent expenses of maintaining the official authority.* Under our system, however, we have a very different result.

71

United States 10th Census Report, 1881

Mr. H. W. Elliott, in his official Report on the seal islands of Alaska, writes as follows upon this point:

MR. H. W. ELLIOTT, IN 1881, REPORTS THAT THE VALUE OF THE FUR-SEAL INDUSTRY WAS NOT TAKEN INTO ACCOUNT IN THE PURCHASE FROM RUSSIA.

"The Seal Islands of Alaska," by Henry W. Elliott, Washington, Government Printing Office, 1881, pp. 68, 69.

STRANGE IGNORANCE OF THEIR VALUE IN 1867.—Considering that this return [that accruing from the fur-seal industry] is the only one made to the Government by Alaska, since its transfer, *and that it was never taken into account, at first, by the most ardent advocates of the purchase of Russian-America*, it is in itself highly creditable and interesting; to Senator Sumner the friends of the acquisition of this territory in 1867 delegated the task of making the principal argument in its

favour. Everything that was written in strange tongues was carefully translated for the choice bits of mention which could be found of Alaska's value. Hence his speech on the subject possesses this interest.* It is the embodiment of everything that could be scraped together, having the faintest shadow of authenticity, by all of the eager friends of the purchase, which gave the least idea of any valuable natural resources in Alaska; *therefore, when, in summoning all this up, he makes no reference whatever to the seal islands, or the fur-seal itself, the extraordinary ignorance at home and abroad relative to the Pribylov Islands can be well appreciated.*

The above refers especially to Mr. Sumner's concluding summary. Mr. Sumner did, in fact, make a reference to the fur-seal in the body of his oration, though in a single paragraph only of his long speech; but the perusal of that speech, and the absence of any mention of the fur-seal in his recapitulation of principal points, show the relatively small importance which he attached to the fur-seal fishery. British Case, Appendix, vol. i, p. 81.

In the same Report Mr. Elliott also writes:

It will be remembered by many people, that when we were ratifying the negotiation between our Government and that of Russia, it was made painfully apparent that nobody in this country knew anything about the subject of Russian-America. Every schoolboy knew where it was located, but no professor or merchant, however wise or shrewd, knew what was in it. Accordingly, immediately after the pur-
72 chase was made and the formal transfer effected, a large number of energetic and speculative men, some coming from New England even, but most of them residents of the Pacific coast, turned their attention to Alaska. They went up to Sitka in a little fleet of sail and steam-vessels, but among their number it appears there were only two of our citizens who knew of, or had the faintest appreciation as to the value of the seal islands. One of these, Mr. H. M. Hutchinson, a native of New Hampshire, and the other a Captain Ebenezer Morgan, a native of Connecticut, turned their faces in 1868 toward them. Mr. Hutchinson gathered his information at Sitka. Captain Morgan had gained his years before by experience on the South Sea sealing-grounds. "Seal Islands of Alaska," p. 25.

Professor W. H. Dall also, who visited the islands in 1868, is quoted on another page of the United States Case, as follows:

During my visit to St. George Island in 1868, this vast territory of Alaska had just fallen into the possession of the United States, and the Government had not yet fairly established more than a beginning of an organization for its management, as a whole, *without mentioning such details as the Pribiloff Islands.* United States Case, p. 132. Appendix, vol. ii, p. 23.

Mr. Elliott has since repeated the opinion expressed in the above-quoted Report, in the evidence which he gave to the Committee whose Report is quoted at p. 75 of the United States Case:

MR. ELLIOTT ALSO TESTIFIES THAT RUSSIA DID NOT VALUE THE SEALING INDUSTRY.

The Russians made no effort to hold these islands, at the time of the transfer, simply because they did not then value their sealing industry—it was of small consequence then—a skin only being worth from 3 to 4 dollars in London. 50th Cong., 2nd Sess., H. R. Report No. 3883, p. 139.

They failed to properly develop the market, as the lessees have done under our Government.

* Speech on cession of Russian-America, United States Senate 1867, "Summary," p. 48.

MR. WILLIAMS DOES NOT THINK THAT MORE THAN A DOZEN PEOPLE KNEW THAT THE PURCHASE CONTAINED ANYTHING OF VALUE OUTSIDE THE MAINLAND.

Mr. C. A. Williams, in his evidence, given before a Committee of Congress, said:

50th Cong., 2nd Sess., H. R. Report, No. 3883, p. 88.

I do not think, when the Government made the purchase from Russia, that any one outside of a dozen people, perhaps, who had been acquainted with sealing heretofore, had the slightest knowledge of there being any value in those islands, or that the Government was going to get anything of value outside the mainland of Alaska.

Dr. W. H. Dall, who is specially quoted as an authority on Alaska in the United States Case, wrote a letter to correct certain statements attributed to him in the discussion arising from a paper by Mr. W. Palmer, read before the Biological Society at Washington. In this letter Dr. Dall says:

73 DR. DALL MENTIONS SMALL VALUE OF SEAL-SKINS IN 1866, AS REASON WHY LITTLE STRESS WOULD HAVE BEEN LAID ON THE ACQUISITION OF THE SEALS BY THE UNITED STATES.

"Forest and Stream," November 5, 1891.

I said that in 1866 (not "in the early days of the industry") I purchased first-class fur-seal skins at 12½ cents a-piece, that being the price at which they were sold by the Russians. The point of this observation lies in its application to the oft-repeated statement that, as Mr. Palmer says, "little stress was laid upon the fact that fur-seals were found in abundance" at the time of the purchase of the Territory by the United States. No stress could reasonably have been laid upon it, since 100,000 seals would at that time have been worth only some 12,500 dollars, which would hardly have paid for the trouble of taking them. Of course, almost immediately afterwards this was no longer true.

It is submitted that the contentions of the United States are based upon two assumptions, both of which are entirely erroneous.

The first, that, prior to the year 1867, Russia had, in fact, excluded the vessels of other nations from Behring Sea.

The second, that the language of the Treaty of 1867 describes, and purports to convey, some special rights in the non-territorial waters of Behring Sea.

CONCLUSIONS.

As to the first, the considerations contained in the preceding Chapters have established that, prior to 1867, Russia had not, at any time, excluded from Behring Sea the vessels of foreign nations.

As to the second, a reference to the language of the Treaty—which is set out at pp. 91 to 94 of the British Case—shows that Russia was conveying territories which were then admitted to form part of the Russian Empire, but with no more than the ordinary territorial rights.

CHAPTER VI.

POINT 5 OF ARTICLE VI.—*Has the United States any Right, and if so, what Right of Protection or Property in the Fur-seals frequenting the Islands of the United States in Behring Sea, when such seals are found outside the ordinary 3-mile limit?*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 57—

"By the Ukase of 1821 Russia had publicly claimed certain unusual jurisdiction both over Behring Sea and over a portion of the Pacific Ocean. . . . . Russia never sought to prevent vessels from passing through Bering Sea in order to reach the Arctic Ocean; nor did she always strictly enforce the prohibition of whaling within the distance of 100 miles from its shores; but, so far as the fur-seals are concerned, it will be made to appear in what follows that the jurisdiction in question was always exercised for their protection."

(2.) United States Case, p. 85—

"In determining what right of protection or property this Government has in the fur-seals frequenting the islands of the United States in Bering Sea when such seals are found outside of the ordinary 3-mile limit, it is not compelled, neither does it intend, to rest its case altogether upon the jurisdiction over Bering Sea established or exercised by Russia prior and up to the time of the cession of Alaska. It asserts that, quite independently of this jurisdiction, it has a right of protection and property in the fur-seals frequenting the Pribiloff Islands when found outside the ordinary 3-mile limit, and it bases this right upon the established principles of the common and the civil law, upon the practice of nations, upon the laws of natural history, and upon the common interests of mankind."

(3.) United States Case, pp. 231, 232—

"It may be laid down as a principle, established by international usage, that any nation which has a peculiar interest in the continued existence of any valuable marine product, located in the high seas adjacent to its coasts or territorial waters, may adopt such measures as are essential to the preservation of the species, without limitation as to the distance from land at which such necessary measures may be enforced."

(4.) United States Case, p. 237—

"This hasty review of the legislation of near a score of nations clearly establishes the principle announced that any nation, having a peculiar interest in the continued existence of animal life on the high seas, adjacent to its coasts or territorial waters, may adopt such measures as are essential to its preservation, without limit as to the distance from land at which such measures may be enforced."

(5.) United States Case, pp. 295, 296—

"The United States, upon the evidence herewith submitted and referred to, claim that the following propositions of fact have been fully established: . . . . . That at all times, when in the water, the identity of each individual can be established with certainty, and that at all times, whether during its short excursions from the islands in search of food or its longer winter migration, it has a fixed intention, or instinct, which induces it to return thereto."

75 (6.) United States Case, pp. 299, 300—

"The United States Government will claim: First. That in view of the facts and circumstances established by the evidence, it has such a property in the Alaskan seal herd . . . . . as entitles it to preserve the herd from destruction in the manner complained of, by an employment of such reasonable force as may be necessary. Second. That irrespective of the distinct right of property in the seal herd, the United States Government has for itself, and for its people, an interest, an industry, and a commerce; . . . . and that no part of the high sea is, or ought to be, open to individuals for the purpose of accomplishing the destruction of national interests of such a character and importance."

SUMMARY OF BRITISH REPLY.

The right of protection mentioned in Point 5 of Article VI is now alleged to be exercisable in every part of the high sea, and is claimed by the United States on general principles, which, if sound, gave a like right to Russia. Such right is said to be independent of any jurisdiction alleged to have been formerly exercised by Russia in Behring Sea, by virtue of a prescriptive title. But acts of protection by Russia, had there been such, could in no way be attributed to a jurisdiction founded on prescriptive title, or used as evidence of such title, if they would have been equally justifiable without it.

The United States can have no right of protection in seas where it has no jurisdiction. For, on the unappropriated sea, all nations are equal and independent, and cannot interfere with each other's ships, except for piracy.

The Treaty, rightly construed, does not give power to the Tribunal to decide whether the United States have jurisdiction, for any purpose, over waters outside that part of Behring Sea where the United States claim exclusive jurisdiction. No claim to jurisdiction of any kind, beyond that limited area, had been made before the Treaty was signed; and it refers no questions to arbitration, except such as had then arisen between the Contracting Powers.

The words in which the grounds of claim to this widely-extended right of protection are stated, are difficult of interpretation. The "common law" referred to cannot be that of England, which has no force in a dispute between nations. "Civil law," whether denoting Roman law, or used in opposition to criminal law, is inappropriate here. The right claimed must depend on international law, of which "the practice of nations" can only afford evidence, and which recognizes all the "interests of mankind" of which the Tribunal can take cognizance in dealing with rights as distinguished from regulations.

One of the purposes of the ordinary 3-mile limit is that of exclusive fishing.

There can be no property in free-swimming seals, which are proved in Chapter VII to be *feræ naturæ*, and are, therefore, *res nullius* even by the law of the United States. Still less is the property vested in the United States Government; and their lessees neither have nor claim any interest in these animals.

If the identification of each seal and its annual return to the Pribyloff Islands be assumed as facts, they show no title without proof that the seal was tame or reclaimed before its departure; and that it intended to return, not only to the islands, but to some spot where it would be under the care and control of its owner.

The laws of seven British Colonies, of Scotland, Ireland, and ten other countries (including Russia), are quoted or referred to in the United States Case, apparently for the purpose of supporting the alleged right of protection. But in no instance is it shown that ex-territorial jurisdiction over foreigners is asserted or exercised.

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76 THE PROTECTION SPOKEN OF IN THE CONTENTION IS A PROTECTION AS OF RIGHT.

In the question now to be discussed, and in the contentions of the United States above quoted, the protection spoken of, whether expressly or impliedly, is a protection as of right; it is in no way dependent on the exercise by the Arbitrators of the power of making Regulations given them, in a certain event, by the Treaty of the 29th February, 1892. If, for the sake of brevity, the passages in which

the contentions occur are not, in every instance, set out at sufficient length to show that the claim is one of right, a perusal of the context, or a reference to their place in the argument, will make it abundantly clear.

DISTINCTION BETWEEN RIGHT OF PROTECTION AND PROPERTY.

Right of protection is quite distinct from property, and when involving, as is suggested in the United States Case, the adoption of "necessary measures" (Contention 3), and the employment of "reasonable force" (Contention 6), implies jurisdiction over the waters to which the right extends. Jurisdiction may exist without property, and property without jurisdiction. Thus, in territorial waters, every nation has a jurisdiction, which justifies the exclusion of foreigners from fishing; yet, by the law of both Great Britain and the United States, a fish swimming at large in such waters is not the subject of property.

RIGHT OF PROTECTION CLAIMED, INDEPENDENT OF THE JURISDICTION OVER BEHRING SEA ALLEGED TO HAVE BEEN ACQUIRED FROM RUSSIA.

It will be observed that, by the second of the contentions set forth at the head of this Chapter, a right of protection over the fur-seals (*i. e.* a jurisdiction entitling the United States to protect them) is claimed independently of the jurisdiction over Behring Sea, described in Contention (1.) as an "unusual jurisdiction," which is alleged to have been exercised by Russia, and transferred to the United States in 1867. Further, by Contention (6.), "no part of the high sea" is excepted from this right of protection. But if it be true, as propounded in Contentions (2.) and (6.), when read together, that, on general principles, nations having "an interest, an industry, and a commerce" in fur-seals, have a right to protect those animals, exercisable over the high seas generally, then acts by Russia, had there been such, justifiable by virtue of such a right, would afford no evidence whatever of the "unusual jurisdiction" over one portion of those seas, alleged to have been exercised by Russia. In fact, the two arguments are mutually destructive. If the right attached to Russia by virtue of
77 her interest in the fur-seals, its exercise would afford no evidence of any title to an unusual jurisdiction. Yet, in Contention (1), the allegation that Russia exercised jurisdiction for the protection of fur-seals, is relied on as the main proof of her prescriptive title to Behring Sea and of the unusual jurisdiction arising from that title. That Behring Sea was used as a passage to the Arctic Ocean, is there expressly admitted; that the prohibition against whaling within 100 miles from the shore was not strictly enforced, is also there admitted; nor is one instance of its enforcement even alleged: but it is said, that "so far as the fur-seals are concerned," the unusual jurisdiction was always exercised.

No part of the high sea is excepted from this right of protection.

Acts of protection, then, had there been such, would afford no evidence of Russia's jurisdiction over Behring Sea.

THERE CAN BE NO RIGHT OF PROTECTION IN SEAS WHERE THERE IS NO JURISDICTION.

That right of protection implies jurisdiction over the waters where it is to be exercised, is clear from the following propositions:

(1.) That, on the unappropriated sea, all nations are equal, and independent of one another;

(2.) That, in time of peace, a vessel thereon cannot be forcibly interfered with by a foreign Power, except for piracy; and

(3.) That fishing is not piracy.

The last of these propositions is too elementary to need support. The other two, if authority be supposed necessary, are illustrated by Lord Stowell's Judgment in the case of "Le Louis," already cited upon another point in the British Case, p. 154, in which it was held that a French ship could not be condemned as a pirate for being employed in the Slave Trade, and forcibly resisting the search of the British cruizers. In that case, Lord Stowell said:

Dodson's Admiralty Cases, vol. ii, p. 210.

Ibid., p. 243.

Upon the first question, whether the right of search exists in time of peace, I have to observe, that two principles of public law are generally recognized as fundamental. One is the perfect equality and entire independence of all distinct States. Relative magnitude creates no distinction of right; relative imbecility, whether permanent or casual, gives no additional right to the more powerful neighbour; and any advantage seized upon that ground is mere usurpation. This is the great foundation of public law, which it mainly concerns the peace of mankind, both in their politic and private capacities, to preserve inviolate. The second is, that all nations being equal, all have an equal right to the uninterrupted use of the unappropriated parts of the ocean for their navigation. *In places where no local authority exists, where the subjects of all states meet upon a footing of entire equality*
78 *and independence, no one state, or any of its subjects, has a right to assume or exercise authority over the subjects of another.* . . . .

Dodson's Admiralty Cases, vol. ii, p. 246.

The right of visitation being in this present case exercised in time of peace, the question arises, how it is to be legalized? And looking to what I have described as the known existing law of nations evidenced by all authority and all practice, it must be upon the ground that the captured vessel is to be taken *legally** as a pirate, or else some new ground is to be assumed on which this right which has been distinctly admitted not to exist generally in time of peace can be supported.

Ibid., p. 247.

. . . . . The question then comes to this:—Can the occupation of *this French** vessel be legally deemed a piracy, inferring, as it must do, if it be so, all the pains and penalties of piracy? . . . . . In truth it wants some of the distinguishing features of that offence. It is not the act of free-booters, enemies of the human race, renouncing every country, and ravaging every country in its coasts and vessels indiscriminately, and thereby creating an universal terror and alarm.

Ibid., p. 248.

. . . . . Be the malignity of the practice what it may, it is not that of *piracy*,* in legal consideration.

HER MAJESTY'S GOVERNMENT PROTEST THAT NO QUESTION AS TO RIGHTS OF THE UNITED STATES OUTSIDE THE AREA IN WHICH THEY CLAIM EXCLUSIVE JURISDICTION, IS WITHIN TERMS OF REFERENCE.

Her Majesty's Government respectfully protest that the question whether the United States have any jurisdiction outside Behring Sea—or, to speak more strictly, outside that part of Behring Sea in which the United States claim exclusive jurisdiction—is not referred to this high Tribunal by the terms of the Treaty of 1892.

* The *italics* are in the original.

THE TREATY ONLY REFERS TO QUESTIONS WHICH HAD ARISEN AT ITS DATE; AND THESE INCLUDED NO CLAIMS EXTENDING BEYOND THE SPECIFIED AREA.

When the question stated at the head of this chapter speaks of a right of protection beyond the ordinary 3-mile limit, it is assumed that the part of Behring Sea in which exclusive jurisdiction is claimed is the only area with which the two Powers are concerned. For, previously to the Treaty of 1892, no claim of jurisdiction, exclusive or otherwise, beyond the limits of Behring Sea, had been made by the United States. The preamble and the 1st Article both express what, it is submitted, would in any case be implied, that "the questions which *have* arisen" are those which are referred.

The claim made by the United States is set forth in Mr. Blaine's despatch of the 17th December, 1890. There, Question 5 is proposed in the following form:

United States Case, Appendix, vol. i, p. 286.

> What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring Sea outside of the ordinary territorial limits, whether such rights grow out of the cession by Russia of any special rights or jurisdiction held by her in such
> 79 fisheries or in the waters of Behring Sea, or out of the ownership of the breeding-islands and the habits of the seals in resorting thither and rearing their young thereon, and going out from the islands for food, or out of any other fact or incident connected with the relation of those seal fisheries to the territorial possessions of the United States.

The writer proceeds in the same despatch:

THE UNITED STATES ONLY CLAIM TO HOLD A SMALL SECTION OF BEHRING SEA FOR PROTECTION OF THE FUR-SEALS.

> The repeated assertions that the Government of the United States demands that the Behring Sea be pronounced *mare clausum*, are without foundation. The Government has never claimed it, and never desired it. It expressly disavows it. At the same time, the United States does not lack abundant authority, according to the ablest exponents of international law, for holding a small section of the Behring Sea for the protection of the fur-seals. Controlling a comparatively restricted area of water for that one specific purpose is by no means the equivalent of declaring the sea, or any part thereof, *mare clausum*.

In an earlier passage in the same despatch, Mr. Blaine states:

United States Case, Appendix, vol. i, p. 263

> If Great Britain can maintain her position that Behring Sea at the time of the treaties with Russia of 1824 and 1825 was included in the Pacific Ocean, the Government of the United States has no well-grounded claim against her.

In replying, on the 21st February, 1891, Lord Salisbury, with reference to the question thus proposed, said:

Ibid., p. 294.

> The first clause, "What are now the rights of the United States as to the fur-seal fisheries in the waters of the Behring Sea outside of the ordinary territorial limits?" is a question which would be very properly referred to the decision of an arbitrator. But the subsequent clause, which assumes that such rights could have grown out of the ownership of the breeding islands and the habits of the seals in resorting thereto, involves an assumption as to the prescriptions of international law at the present time, to which Her Majesty's Government are not prepared to accede.

Ibid., p. 295. Mr. Blaine answered on the 14th April, 1891, proposing
Ibid., p. 305. Question 5 in its present form, and Sir J. Pauncefote assented in a Memorandum, dated the 3rd June, 1891.

The correspondence on the *modus vivendi* affords further evidence of the limits of the claim made by the United States.

Ibid., p. 307. On the 4th June, 1891, Mr. Wharton, Acting Secretary for the United States, wrote to Sir J. Pauncefote, with reference to Lord Salisbury's requirement that Russia should concur in the *modus vivendi*, as follows:

> THE CONTENTION BETWEEN THE TWO POWERS HAS BEEN LIMITED TO BEHRING SEA EASTWARD OF THE LINE OF DEMARCATION IN THE TREATY OF 1867.
>
> I am also directed to remind you that the contention between the United States and Great Britain has been limited to that part of Behring Sea eastward of the line of demarcation described in our Convention with Russia. . . . It was never supposed by any one representing the Government of the United States in this correspondence, or by the President, that the agreement for a *modus vivendi* should be broader than the subject of contention stated in the correspondence of the respective Governments.

United States Case, Appendix, vol. i, p. 312. And on the 9th June, 1891, Mr. Wharton wrote thus to Sir J. Pauncefote as to another provision of the *modus vivendi*:

> As to third clause of your proposition, I am directed to say that the contention between the United States and Great Britain has relation solely to the respective rights of the two Governments in the waters of Behring Sea outside of the ordinary territorial limits, and the stipulations for the co-operation of the two Governments during this season have, of course, the same natural limitation.

Subject to the above protest, the grounds on which this claim to protective jurisdiction is made will now be considered.

FOUR GROUNDS OF CLAIM.

They are four, viz., the established principles of the common and civil law, the practice of nations, the laws of natural history, and the common interests of mankind.

"COMMON AND CIVIL LAW." MEANING OF TERMS.

In what sense the terms "common and civil law" are here used, is not very clear. The expression "common law" is technical, and is well understood by the lawyers of the United States and Great Britain; but it has no application to the question now under discussion, except in so far as any general principles can be deduced therefrom. "Civil law" is an expression sometimes used with reference to "Roman law," and sometimes in opposition to the expression "criminal law." It is probably intended to be used in the latter sense, but in neither case has it any application here. The rights of nations must be determined by the principles of international law. The "practice of nations" is only important as evidence of that law, thus bringing the claim once more to the same test.

Rights of nations must be determined by international law, of which the "practice of nations" is mere evidence.

LAWS OF NATURAL HISTORY IRRELEVANT.

The laws of natural history are not material to the question of jurisdiction. These laws would be more material to the question of property if the question whether seals are *ferœ naturœ* were seriously in dispute, but in all probability no such contention will arise. The extraordinary allegation that seals may in any legitimate sense be regarded as domestic animals will be discussed in a subsequent Chapter. The "common interests of mankind" now in question are only such as international law recognizes.

United States Case, pp. 230, 299.

81

"Common interests of mankind" now in question are only such as international law recognizes.

What then are the principles of international law applicable to the question? Some hint of them is contained in the passage just examined (Contention 2), where "the ordinary 3-mile limit" is twice mentioned. Without staying to cite authorities showing that the 3-mile zone is now commonly regarded by other nations besides the United States as the limit, for most purposes, of territorial jurisdiction, the following authorities may be cited as showing that fishing is one of those purposes:

AUTHORITIES SHOW THAT THE ORDINARY 3-MILE LIMIT APPLIES TO FISHING.

Mr. Wheaton, in speaking of "those portions of the sea which wash the coasts of any particular State, within the distance of a marine league, or as far as a cannon-shot will reach from the shore," says:

> The physical power of exercising an exclusive property and jurisdiction, and of excluding the action of other nations within these limits, exists to a certain degree; but the moral power may perhaps seem to extend no further than to exclude the action of other nations to the injury of the State by which this right is claimed. It is upon this ground that is founded the acknowledged immunity of a neutral State from the exercise of acts of hostility by one belligerent Power against another within those limits. This claim has, however, been sometimes extended to exclude other nations from the *innocent use* of the waters washing the shores of a particular State in peace and in war, as, for example, *for the purpose of participating in the fishery*, which is generally appropriated to the subjects of the State within that distance of the coasts. *This exclusive claim* is sanctioned both by usage and Convention, and *must be considered as forming a part of the positive law of nations.*

Wheaton's "International Law" (Dana's edition), sec. 189.

Sir John Nicholl says:

> As between nation and nation, the territorial right may, by a sort of tacit understanding, be extended to 3 miles; but that rests upon different principles, viz., *that their own subjects shall not be disturbed in their fishing*, and particularly in their coasting trade and communications between place and place during war; they would be exposed to danger if hostilities were allowed to be carried on between belligerents nearer to the shore than 3 miles.

R. v forty-nine casks of brandy, 3 Hagg, Ad. 257, pp. 289, 290.

82

Mr. Sheldon Amos says:

> For some limited purposes, a special right of jurisdiction and even (for a few definite purposes) of dominion, is conceded to a State in respect of the part of the ocean immediately adjoining its own coast line. The purposes for which this jurisdiction and dominion have been recognized are:—(1) *the regulation of fisheries;* (2) the prevention of frauds on customs laws; (3) the exaction of harbour and lighthouse dues; and (4) the protection of the territory from violation in time of

Manning's "Law of Nations," by Sheldon Amos, pp. 119, 120.

war between other States. The distance from the coast-line to which this qualified privilege extends has been variously measured, the most prevalent distances being that of a cannon-shot or of a marine league from the shore.

CONCLUSIONS.

British Case, p. 160, Prop. 15.

It is submitted that the authorities cited and arguments brought forward support the proposition that the sole right of the United States in respect of the protection of seals is that incident to territorial possession, including the right to prevent the subjects of other nations from fishing in territorial waters.

PROPERTY IN FUR-SEALS.

The next question to be considered is whether the United States have a property in the fur-seals frequenting the Pribyloff Islands.

SEALS ARE FER ÆNATURÆ, AND, AS SUCH, RES NULLIUS.

The following English and United States authorities are sufficient to show that animals such as seals are *feræ naturæ;* and that, as such, they are *res nullius:*

Comyn's "Digest," Tit., Biens, F., vol. ii, p. 135.

In things which are *feræ naturæ,* none can have an absolute property.

As in deer, conies. (R. 7, Co. 17 *b.*)

Nor in hawks, doves, herons, pheasants, partridges, or other fowls which are at large and not reclaimed. (10 H. 7, 6, 30.)

Nor in fish at large in the water.

* * * * *

Yet, a man may have a qualified or possessory property in them, as if deer, &c., are tame. (7 Co. 17 *b.*)

If hawks, &c., are reclaimed.

So, if pheasants, partridges, or other fowls are tame.

* * * *

So, doves in a dovecote.

Young herons, &c., in their nests. (7 Co. 17 *b.*)

Fish in a tank, &c.

And of such things tame or inclosed, felony may be committed. (7 Co. 18 *a.*)

* * * * *

But if deer, fowls, &c., tame or reclaimed, attain their natural liberty, and have no inclination to return, the property shall be lost. (7 Co. 17 *b.*)

Blackstone, edition 1862, vol. ii, p. 396.

83 Other animals, that are not of a tame and domestic nature, are either not the objects of property at all, or else fall under our other division, namely, that of *qualified,* limited,** or *special** property: which is such as is not in its nature permanent, but may sometimes subsist, and at other times not subsist.

* * * * *

Ibid., p. 397.

A qualified property may subsist in animals *feræ naturæ, per industriam hominis:* by a man's *reclaiming** and making them tame by art, industry, and education; or by so confining them within his own immediate power, that they cannot escape and use their natural liberty.

* * * * *

---

*The *italics* are in the original.

In all these creatures, reclaimed from the wildness of their nature, the property is not absolute, but defeasible; a property, that may be destroyed if they resume their ancient wildness, and are found at large. Ibid., p. 398.

* * * * *

A qualified property may also subsist with relation to animals *feræ naturæ, ratione impotentiæ*, on account of their own inability. As, when hawks, herons, or other birds build in my trees, or rabbits or other creatures make their nests or burrows in my land, and have young ones there; I have a qualified property in those young ones till such time as they can fly or run away, and then my property expires. Ibid., p. 399.

Animals *feræ naturæ*, so long as they are reclaimed by the art and power of man, are also the subject of a qualified property; but when they are abandoned, or escape, and return to their natural liberty and ferocity, without the *animus revertendi*, the property in them ceases. While this qualified property continues, it is as much under protection of law as any other property, and every invasion of it is redressed in the same manner. Kent's "Commentaries," 9th edition, Boston, 1858, vol. ii, p. 432.

The difficulty in ascertaining with precision the application of the law arises from the want of some certain determinate standard or rule, by which to determine when an animal is *feræ vel domitæ naturæ*.

If an animal belongs to the class of tame animals, as, for instance, to the class of horses, sheep, or cattle, he is then clearly a subject of absolute property; but if he belongs to the class of animals which are wild by nature, and owe all their temporary docility to the discipline of man, such as deer, fish, and several kind of fowl, then the animal is the subject of qualified property, and which continues so long only as the tameness and dominion remain.

NO SUGGESTION IN UNITED STATES CASE THAT, EVEN IN THEIR OWN LAW, THE RULE IS NOT AS LAID DOWN BY KENT.

84 It would seem useless to multiply authorities, as there is no suggestion throughout the United States Case that, even in their own law, the rule is not as laid down by Kent.

APART FROM THE QUESTION OF PROPERTY IN SEALS, NO TITLE TO THEM IS SHOWN.—THE UNITED STATES LAWS ONLY RESERVE THE ISLANDS FOR THE GOVERNMENT.

But independently of the question whether fur-seals at large in Behring Sea can be the subjects of property at all, no title to them is shown. The laws of the United States set out in the Appendix to their Case in no way support the view that the Government have any property in fur-seals. By the Law of the 3d March, 1869, called "A Resolution more efficiently to protect the fur-seal in Alaska," it was resolved— United States Case, Appendix, vol. i, p. 92.

that *the islands of St. Paul and St. George* in Alaska be, and they are hereby, declared a special reservation for Government purposes.

THE LEASING POWER ONLY AUTHORIZES A LEASE OF THE RIGHT TO TAKE FUR-SEALS ON THE ISLANDS, AND SEND VESSELS THERE FOR THE SKINS.

It is to be noted that nothing is said in this Resolution about Behring Sea, or the fur-seals therein. Similarly the Law of the 1st July, 1870, called "An Act to prevent the Extermination of Fur-bearing Animals in Alaska" (section 4), authorizes a lease of— Ibid., p. 93.

the right to engage in the business of taking fur-seals on the Islands of St. Paul and St. George, and to send a vessel or vessels to said islands for the skins of such seals.

Nor have the lessees any rights in the fur-seals swimming in the non-territorial waters of Behring Sea, for their lease, dated the 12th March, 1890, grants them for a term, in accordance with the Statute, merely—

Ibid., p. 106.

> the exclusive right to engage in the business of taking fur-seals on the Islands of St. George and St. Paul, in the territory of Alaska, and to send a vessel or vessels to said islands for the skins of such seals.

THE LESSEES CLAIM NO INTEREST IN THE PRESENT DISPUTE.

So lately as the 20th June, 1891, the lessees disclaimed all interest in the present subject of discussion. By a document of that date, they protested against the stop which their Government, in breach of the contract, had put on their business by agreeing to the *modus vivendi*, saying:

British Case, Appendix, vol. iii. "United States No. 3 (1892)," p. 47.

> Said Company assumes that the right of the United States or its lessee to take fur-seals on said islands within our unquestioned
> 85 jurisdiction is beyond dispute, and not subject to question or interference by England or any other foreign State.
>
> *The right of this Government to take fur-seals on its own territory is not one of the questions to be submitted to arbitration,* and has no relation to the contention between the two countries. In that dispute Great Britain affirms and the United States denies the right of English and Canadian poachers to slaughter fur-seals in "our part" of Behring Sea, and this Company respectfully insists that the agreement between the two Governments set forth in the President's Proclamation, in so far as it prohibits said Company from taking its lawful quota of sealskins, is in contravention of the vested rights of this Company, and subjects it to great loss.
>
> If it may be assumed, as England has asserted, and this Government has denied, that the eastern portion of Behring Sea is not the marine territory of the United States, but it is the "high seas," the Company respectfully submits that it is not competent for Great Britain and the United States alone, or for any other two Governments, to determine who shall be permitted to navigate those waters, or to prohibit fishing or taking seals on the high seas; and the Company respectfully points out to the Honourable the Secretary of the Treasury that its rights have been overlooked by said Agreement between the two Governments, *in that it deprives the lessee from taking seals which it is authorized to take by law and its Contract with the United States, thereby inflicting a severe loss upon said Company, in order to obtain the consent of England to arbitrate the question as to the right of Canadian poachers to destroy the seal industry by pelagic sealing.*

THE VOLUNTARY RETURN OF THE SEALS TO THE ISLANDS DOES NOT MAKE THEM THE SUBJECT OF PROPERTY.

Before concluding this portion of the Chapter it is necessary to say a few words on Contention (5.), which has two propositions of fact of a somewhat bold and sweeping character, viz., that the identity of each seal can be established with certainty, and that at all times during its winter migration the seal has a fixed intention or instinct which induces it to return. Assuming, for the sake of argument only, the accuracy of these propositions, they in no way bring the case within the authorities cited above as to the conditions under which property is acquired in animals of wild nature: for to do this (1) the seal must be identified, not only as coming from the Pribyloff Islands, but as having been tame or reclaimed while there; and (2) its intention must be not only to return to the islands, which even wild and unreclaimed seals would do of their own accord, but to return to the control and care of their owner.

It is submitted that the above authorities and arguments support the proposition that the United States have not, nor has any citizen of the United States, any property in fur-seals until they have been reduced into possession, and that the property so acquired endures so long only as they are retained in control.

British Case, p. 160, Prop. 16.

CONTENTION THAT INTERNATIONAL USAGE ESTABLISHES THE RIGHT OF PROTECTION CLAIMED.

It is attempted in the United States Case to support the claim to the right of protection in the fur-seals outside the ordinary 3-mile limit, upon the ground that other nations have passed laws for the purpose of protecting similar or kindred industries outside the ordinary limits of territorial waters.

The following list shows the order in which these laws are treated in the United States Case and here:

(A.)—Falkland Islands.
(B.)—New Zealand.
(C.)—Cape of Good Hope.
(D.)—Canada.
(E.)—Newfoundland.
(F.)—Jan Mayen Seal Fishery.
(G.)—Russia:—White and Caspian Seas.
(H.)—Uruguay.
(I.)—Chile.
(J.)—Argentine Republic.
(K.)—Japan.
(L.)—Russia:—Commander and Robben Islands.
(M.)—Ireland.
(N.)—Scotland.
(O.)—Ceylon.
(P.)—Australia.
(Q.)—France.
(R.)—Italy.
(S.)—Norway.
(T.)—Panama.
(U.)—Mexico.

(A.)—*Falkland Islands.*

FALKLAND ISLANDS LAW IS LIMITED TO THE COLONY AND ITS DEPENDENCIES.

An Ordinance of 1881 is quoted, enacting stringent regulations against seal-hunting between specified dates, "within the limits of this Colony and its dependencies."

87 In order to suggest that the provisions of this Ordinance are extended to non-territorial waters, Captain Budington, a navigator and seal-hunter, is quoted as an authority for the statement "under oath" that this Ordinance is enforced outside the 3-mile limit.

United States Case, p. 221.

It will be found, however, on reference to his affidavit, that Captain Budington only swears as to what was his "understanding" of the Ordinance; and as to any instance of the enforcement of this law against foreigners outside the ordinary limit of jurisdiction, he offers no evidence whatever.

Ibid., Appendix, vol. ii, p. 593.

British Commissioners' Report, p. 193.

The Ordinance, with reference to the close season thereby established, enacts (sect. 1) as follows:

United States Appendix, vol. i, p. 435.

> No person shall kill or capture, or attempt to kill or capture, any seal *within the limits of this Colony and its dependencies.*

The terms of the Ordinance are expressly confined to the limits of the Colony, and at no time since the Falkland Islands have belonged to Great Britain, whether before or after the making of the Ordinance in question, has any attempt been made to interfere with the capture of seals outside the ordinary territorial waters. This fact is noted in the British Commissioners' Report.

British Commissioners' Report, p. 156.

(B.)—*New Zealand.*

United States Case, p. 222.

The next instance cited in the United States Case is that of New Zealand.

One Imperial and three Colonial Statutes of New Zealand are quoted. The area of jurisdiction conferred is limited by the Imperial Act of 1863.

NEW ZEALAND LAW IS CONFINED TO "TERRITORIES, ISLANDS, AND COUNTRIES" LYING BETWEEN SPECIFIED LIMITS.

Ibid., Appendix, vol. i, p. 436.

By section 2 of this Act the Colony of New Zealand is defined as comprising—

> *all Territories, Islands, and Countries lying between* the 162nd Degree of East Longitude and the 173rd Degree of West Longitude, and between the 33rd and 53rd parallels of South Latitude.

In the United States Case, however, this Act is described as defining the—

United States Case, p. 223.

> *boundaries as coincident with parallels 33° and 53° south latitude, and 162° east and 173° west longitude—*

88 and the subsequent legislation of the Colony is then discussed upon the assumption that these words convey the true meaning of the Act.

United States Case, Appendix I, p. 436.

The Act is printed in full in the United States Appendix, and it will be seen that this misinterpretation of its meaning is the only foundation for the whole argument which is based on New Zealand legislation.

United States Case, p. 222 *et seq.* Section 4 of New Zealand Act, 1878. Section 5 of New Zealand Act, 1884. Section 6 of New Zealand Act, 1887.

The expressions cited from the New Zealand Acts, as, for instance, "the whole Colony or only in particular parts thereof," "waters or places specified" (in Regulations), "within the jurisdiction of the Government of the Colony," are all limited by the definition of the area of the Colony in the Act of 1863, quoted above.

United States Case, Appendix, vol. i, p. 437 *et seq.* United States Case, p. 223. Ibid., Appendix, vol. i, p. 439.

Special attention, however, is invited in the United States Case to the reference to the Act of 1884, which, by section 5, empowers the Governor in Council to make, alter, and revoke Regulations which shall have force and effect only in waters or places specified therein.

It is alleged that—

almost unlimited authority is thus conferred upon the Executive to establish close seasons, and to make Regulations respecting the purchase or sale of fish, including seals, and punishment for violation of the law and orders. The definition in the Act of the term "waters" indicates that it applies to the entire area of the Colony, of which the south-eastern corner is over 700 miles from the coast of New Zealand, although a few smaller islands intervene. United States Case, p. 223.

This is illustrated by a coloured Map, upon which are traced imaginary boundaries of the Colony, which are asserted to be designated in the Act of 1863. Ibid., Appendix, vol. i, p. 437.

The definition of "waters" in this Act, upon which the argument rests, is in itself sufficient to prove the error:

DEFINITION OF "WATERS" IN FISHERY ACTS ONLY INCLUDES "WATERS IN THE COLONY, OR ON THE COASTS OR BAYS THEREOF."

"Waters" [according to the definition] means any salt, fresh, or brackish waters *in the Colony, or on the coasts or bays thereof;* includes artificial waters, but does not include waters the property of any private person. Ibid., p. 438.

If "waters in the Colony" included the ocean to a distance of 700 miles from the shore, it would have been unnecessary and absurd to proceed to mention "waters on the coasts or bays" of the Colony.

89 (C.)—*Cape of Good Hope.*

It is stated in the United States Case that—

in the Colony of the Cape of Good Hope sealing is prohibited at the rookeries and in the waters adjacent thereto, except under stringent regulations. United States Case, p. 224.

The evidence offered in support of these allegations consists of the following statements:

W. C. B. Stamp—

I am told, although I know nothing about it, that regulations of some kind have been made in the Colony of the Cape of Good Hope. Ibid., Appendix, vol. ii, p. 576.

G. Comer.—The rookeries—

are in possession or control of a company, as I was then informed, which has the exclusive right to take seals there. We did not dare to go to those rookeries, because sealing was prohibited, and we would not have been allowed to take them in the waters adjacent thereto. Ibid., p. 597.

The Regulations in force in this Colony are of the character which appears from the Government Notice which is printed in the Appendix to the British Commissioners' Report. By this notice all persons are prohibited "from disturbing the seals on the said island" [in Mossel Bay], and are warned from trespassing there. British Commissioners Report, p. 194.

The Government Agent states that there is—

practically no pursuit of the animals in the water on these coasts. . . . . The system of killing the seals is the same throughout all the colonial islands, namely, with "clubs," by men landing in boats. Ibid., p. 155.

CAPE OF GOOD HOPE REGULATIONS ARE CONFINED TO THE ISLANDS.

As a matter of fact, the legislation at the Cape of Good Hope is entirely confined to the protection of seals on the islands.

(D.)—*Canada.*

United States Case, p. 225.

Turning from the fur-seal to the other varieties of seals, it is alleged in the United States Case that, as regards the hair-seal in the North Atlantic—

> they have thrown about them upon the high seas the guardianship of British statutes. . . . . Canadian statutes prohibit all persons, without prescribing any marine limit, from disturbing or injuring all sedentary seal fisheries during the time of fishing for seals, or from hindering or frightening the shoals of seals as they enter the fishery.

90 CANADIAN STATUTE REFERRED TO IN UNITED STATES CASE, ASSERTS NO JURISDICTION OVER FOREIGNERS OUTSIDE TERRITROIAL WATERS.

United States Case, Appendix, vol. i, p. 441.

The only Canadian Statute referred to is the Fisheries Act of 1886, which undoubtedly affects Canadian subjects upon the high seas, and all persons within the territorial waters of Canada, but asserts no jurisdiction over foreign subjects outside those waters.

(E.)—*Newfoundland.*

THE NEWFOUNDLAND LAWS QUOTED ALSO MAKE NO SUCH ASSERTION.

United States Case, p. 225.

The laws of Newfoundland quoted in the United States Case are municipal Regulations only, and make no assertion of maritime jurisdiction beyond the 3-mile limit.

(F.)—*Jan Mayen Seal Fishery.*

THESE REGULATIONS ARE BASED ON CONVENTION.

No comment is necessary upon the international Regulations in force in the ocean fishery known as the Jan Mayen Seal Fishery, because these are admittedly based upon a Convention between the various nations interested in the fishery. A full account of the nature and origin of these Regulations will be found in the British Commissioners' Report, pp. 198–203.

British Commissioners' Report, pp. 198–203.

(G.)—*Russia: White and Caspian Seas.*

RUSSIA DOES NOT CLAIM JURISDICTION BEYOND TERRITORIAL LIMITS.

United States Case, p. 228.

British Case, Appendix, vol. ii, Part II, p. 22.

The Russian laws quoted in the United States Case, p. 228, are merely municipal Regulations, which do not affect foreigners beyond the usually recognized limit of territorial waters. Article XXI of the Russian Code of Prize Law of 1869 limits the jurisdictional waters of Russia to 3 miles from the shore. So far as the Caspian Sea is concerned, it is not regarded by nations as a high sea.

(H.)—*Uruguay.*

URUGUAY LAWS ARE NOT SHOWN TO EXTEND BEYOND TERRITORIAL LIMITS.

The laws of Uruguay which regulate the taking of seals upon the Lobos Islands do not extend beyond the ordinary territorial jurisdiction, and have no application to pelagic sealing beyond that limit. Seals are taken on the islands, and the State—

British Commissioners' Report, p. 169.
United States Case, p. 229.
Ibid., Appendix, vol. i, p. 449.

does not permit vessels of any kind to anchor off any of the said islands, and does not allow any works to be constructed that might frighten the seals away.

(I.)—*Chile.*

The United States Case says:

91 The Governments of Chile and the Argentine Republic have also recently given protection to the fur-seals resorting to their coasts in the hope of restoring their almost exterminated rookeries.

United States Case, p. 229.

The mischief, however, appears to have been entirely done by sealers landing on the rookeries. Mr. Comer states that—

if there had been strict regulations enforced, allowing us to kill only young "wigs," and not to disturb the breeding seals, I am convinced, and have no doubt, that all these rookeries would be full of seals to-day.

United States Case, Appendix, vol. ii, p. 598.

THE CHILEAN LAW REFERRED TO IN UNITED STATES CASE IS LIMITED TO COASTS, ISLANDS, AND TERRITORIAL WATERS.

The Chilean law referred to appears to be the Ordinance of the 17th August, 1892, from which the following extracts are made in order to show that the Chilean Government asserts no jurisdiction beyond the ordinary 3-mile limit, but is careful to define strictly the limits of the operation of the Ordinance:

Ordinance regulating the Pursuit at Sea or on Land of Seals or Sea-wolves, Otters, and "Chungungos" in the Coasts, Islands, and Territorial Waters of Chile.

Article 1. Only Chileans and foreigners domiciled in Chile are allowed to engage in the pursuit on land or at sea of seals or sea-wolves, otters, and "chungungos" *in the coasts, islands, and territorial waters* of the Republic, as laid down in Article 611 of the Civil Code.

No ships can engage in the pursuit to which this Ordinance refers except those Chilean vessels which are in possession of the qualifications required by the Navigation Laws to be considered as such, foreign vessels being absolutely prohibited from engaging in this industry.

Art. 2. For the purposes of this Ordinance, *the coasts, islands, and territorial waters* of Chile shall be considered as divided into as many zones as there are Maritime Governments in the Republic.

The extent of each zone shall be that of the respective Maritime Government.

Acting under powers conferred by the above Ordinance, the President of the Republic on the 20th August, 1892, decreed that the fishery of seals—

be suspended for the period of one year in the regions included in the Maritime Governments of Chiloe and Magellanes, and on the coasts of the Islands of Juan Fernandez.

The general law of Chile as to fisheries is contained in the Civil Code, where it is enacted:

92 NO PROPERTY IN FISH.

Article 585. Things which in their nature are common property, as the product of the high seas, are not subject to any dominion, and no nation, corporation, or individual has any right to monopolize them. The use or enjoyment of them is determined among the citizens of any one nation by the laws of that nation, but between different nations by international law.

TERRITORIAL SEA: 1 MARINE LEAGUE.

Article 593. The adjacent sea, to a distance of 1 marine league, measured from low-water mark, is the territorial sea, and under the national dominion; but police administration for the purposes of the security of the State or the carrying out of fiscal Regulations, extends to a distance of 4 marine leagues, measured in the same manner.

Article 611. Sea fishing is free, but in the territorial seas the right of fishing is enjoyed only by Chilean citizens or domiciled foreigners.

(J.)—*Argentine Republic.*

ARGENTINE LAWS ARE NOT EVEN ALLEGED (IN UNITED STATES CASE) TO HAVE EXTRA-TERRITORIAL OPERATION ON FOREIGNERS.

United States Case, p. 229.

The Argentine Republic is next referred to in the United States Case as having "recently given protection to the fur-seals resorting to their coasts." But it is not alleged that the laws have an exterritorial operation on foreigners; nor are the laws themselves set forth in the United States Case or Appendix.

(K.)—*Japan.*

JAPANESE REGULATIONS REFERRED TO IN UNITED STATES CASE RELATED ONLY TO ISLANDS, AND ARE NO LONGER IN FORCE.

Ibid.

It is also stated that "the Japanese Government has taken steps toward the restoration and preservation of the fur-seals at the Kurile Islands." The extract from Regulations of 1885 referred to by way of verification, and set forth in the Appendix, relates to islands within the territory of Japan, and no other law is set forth or mentioned; nor is it alleged in the Case that any of the Japanese laws relating to seal fisheries have an exterritorial operation. Further, the Regulations of 1885 do not appear to be now in force, for the full official Memorandum supplied on the 14th December, 1891, by the courtesy of the Japanese Government, in answer to a Circular asking for "copies of any printed documents or Reports referring to the fur-seal fisheries, or embodying Regulations provided for these fisheries," sets forth "the several Regulations in force at the present time," among which those of 1885 are not given; and it states that there are no means of checking "foreign poachers" "outside the line of territorial limit fixed by international law."

United States Case, Appendix, vol. i, p. 449.

British Commissioners' Report, p. 160.

Ibid., p. 154.

Ibid., p. 164.

93

Japanese Government state that there are no means of checking "foreign poachers" outside territorial limits.

(L.)—*Russia: Commander and Robben Islands.*

THE RUSSIAN REGULATIONS APPLY ONLY TO TERRITORIAL WATERS.

The Russian Regulations of 1881 are printed at p. 116 of the British Case, and the extent of jurisdiction claimed by Russia is fully dealt with at pp. 113–117. It is there shown that these Regulations applied only to the "territorial waters of Russia." United States Case, p. 229.

(M.)—*Ireland.*

THERE IS NO BYE-LAW UNDER "THE SEAL FISHERIES ACT, 1868," WITH EXTRA-TERRITORIAL OPERATION ON FOREIGNERS.

As to Ireland, the British Government have never assumed to put in force against foreigners any bye-laws made under "The Seal Fisheries Act, 1868," affecting waters outside territorial limits. And although this Act is relied on in the United States Case as authorizing the assertion of jurisdiction over foreigners outside those limits, no bye-law having that effect exists, and it would be contrary to the practice of the British Government that any such bye laws should be made, unless in pursuance of some Treaty with the Power whose subject may be affected. Ibid., p. 232.

Bye-laws with such operation are not made by British Government unless pursuant to Treaty.

(N.)—*Scotland.*

SIMILAR REMARKS HERE.

Similar remarks apply to "The Scotch Herring Fishery Act of 1869," and to all other Acts of the British Parliament which, in terms not expressly limited to British subjects, authorize fishery bye-laws affecting non-territorial waters.

(O.)—*Ceylon.*

THE TITLE OF THE BRITISH GOVERNMENT TO THE CEYLON PEARL FISHERIES IS PRESCRIPTIVE.

The legislation affecting the pearl fisheries of Ceylon is relied on in the Case of the United States as an example of the exercise of ex-territorial jurisdiction upon the high seas. The claim of Ceylon is not to an exceptional extent of water forming part of the high seas as incidental to the territorial sovereignty of the island, but is a claim to the products of certain submerged portions of land, which have been treated from time immemorial by the successive Rulers of the island as subjects of property and jurisdiction. Ibid., p. 233.

(P.)—*Australia.*

AUSTRALIAN ACTS ARE LIMITED TO BRITISH SUBJECTS.

United States Case, p. 234.

The Australian Pearl Fishery Acts are confessedly limited in their operation to British subjects.

(Q.)—*France.*

Ibid., p. 235.

As to France, the United States Case says that the Decree of the 10th May, 1862—

> went so far as to provide in terms that under certain circumstances fishing might be prohibited over areas of the sea beyond 3 miles from shore.

This Decree, of which Article 2 only is set forth in the Appendix to the United States Case, is given at length in the Appendix to this Counter-Case. Article 1 has the following paragraph:

Appendix, vol. i, p. 111.

> Les pêcheurs sont tenus d'observer, dans les mers situées entre les côtes de France et celles du Royaume-Uni de la Grande-Bretagne et d'Irlande, les prescriptions de la Convention du 2 Août, 1839, et du Règlement International du 23 Juin, 1843.

This shows that French subjects only are affected; for the Government did, and could, bind its subjects only by the Convention of 1839.

Article 2 is as follows:

> Sur la demande des prud'hommes des pêcheurs, de leurs délégués et, à défaut, des syndics des gens de mer, certaines pêches peuvent être temporairement interdites sur une étendue de mer au delà de 3 milles du littoral, si cette mesure est commandée par l'intérêt de la conservation des fonds ou de la pêche de poissons de passage.
>
> L'Arrêté d'interdiction est pris par le Préfet Maritime.

It is not alleged in the United States Case that the power thus given has been acted on as against foreigners, and it is submitted that Article 2 was not intended to authorize bye-laws affecting foreigners beyond territorial limits.

The construction which supposes the Decree to apply to foreigners assumes it to assert an authority to prohibit fishing to all nations, unlimited in the selection of the kinds of fish to which the prohibition may apply, either as to their being "located" near French coasts, or as to their
95 being those in which France has "an interest, an industry, and a commerce;" and assumes that the prohibition may extend to mere "fishes of passage," in which the interest of France is only that which it has in common with other nations, and may apply to every part of the high seas.

Assuming the Decree confined to French subjects, no difficulty is caused by this absence of restriction. If extended to foreigners, it goes beyond anything for which the United States contend even in the present case. If all nations made corresponding laws, some as to one fish and some as to another, giving effect to the same by "necessary measures" and "reasonable force," the dangers of the sea would be aggravated in no slight degree.

FRANCE ONLY LEGISLATES FOR FOREIGNERS WITHIN 3 MILES.

The extent to which France claims to legislate for foreign fishermen is now regulated by the Law of the 1st March, 1888. Appendix, vol. i, p. 113.

Article 1 says:

La pêche est interdite aux bateaux étrangers dans les eaux territoriales de la France et de l'Algérie, en deçà d'une limite qui est fixée à 3 milles marins au large de la laisse de basse mer.

STATEMENT IN UNITED STATES CASE AS TO ALGERIAN CORAL FISHERIES IS NOT VERIFIED BY PARTICULARS OR EVIDENCE.

The United States Case proceeds:

Numerous laws have also been enacted by France to protect and regulate the coral fisheries of Algeria, both as to natives and foreigners, and the coral beds so regulated extend at some points as far as 7 miles into the sea. United States Case, p. 235.

This is not verified by particulars or evidence.

(R.)—*Italy.*

The United States Case, after setting forth that there are coral beds at various distances exceeding 3 miles from the coasts of Sicily and Sardinia, says: Ibid.

At present all coral fishing is prohibited on these banks by Royal Decree, for a designated period.

The first of the laws set out in the Appendix, viz., that of the 4th March, 1877 (Article 1), says: Ibid., Appendix, vol. i, p. 476.

The present law regulates the fisheries in the waters of the public domain, and in the territorial sea. . . . The provisions contained in the Merchant Marine Code, and in other laws relating to the water police and navigation, remain unchanged, as regards the treatment of foreigners, and as regards grants in the public domain and the territorial sea.

96 FOREIGNERS NOT SHOWN TO BE EXCLUDED FROM ITALIAN CORAL FISHERIES.

The provisions referred to in the Merchant Marine Code and elsewhere are not given; nor does the United States Case say that foreigners have ever been excluded in practice from the fisheries in question; or show that, as matter of construction, the alleged prohibition applies to any but Italian subjects.

(S.)—*Norway.*

NORWEGIAN LAWS NOT SHOWN TO APPLY TO FOREIGNERS AT ALL.

As to Norway, the United States Case says that the principle of Contention (3.) is recognized in a Statute for the protection of whales, "in Varanger Fiörd, an arm of the open sea about 32 marine miles in width." There is nothing in the Norwegian laws set forth in the Appendix to the United States Case to show that they apply to foreigners at all. If they do, then, as regards Varanger Fiörd, the question may be whether or not it belongs to the "inner waters" of Norway. United States Case, p. 236.

(T.)—*Panama.*

NOR ARE PANAMA LAWS.

Ibid. The law of Panama next referred to applies, and is alleged to apply, only to pearl fisheries, as to the title or want of title to which, or their proximity to islands or coast, or whether in inland waters, nothing is said. Nor is there anything to show that the law in question applies to foreigners.

THE AREA AFFECTED BY LAW REFERRED TO IS NOT SHOWN BY EVIDENCE.

United States Case, Appendix, vol. i, p. 484. The assertion in the United States Case as to the area affected by the law is unsupported by evidence; and it will be observed that the Map of the Panama pearl fisheries in the Appendix does not purport to come from the Panama Government, but to be "prepared at the office of the United States Coast and Geodetic Survey." From what materials it was so prepared is not explained; and as it refers to a Decree of 1890, and is not dated, it may be supposed to have been made for exhibition to the Tribunal of Arbitration.

(U.)—*Mexico.*

MEXICAN REGULATIONS ONLY APPLY TO TERRITORIAL WATERS.

Ibid., p. 489. The facts stated with reference to these pearl fisheries are not verified by evidence. The Mexican Regulations appear only to refer to "the waters of the Republic;" and even then foreigners are admitted to the fisheries on complying with certain Regulations as to registration and payment of tonnage and lighthouse dues.

Ibid., pp. 491, 492.

United States Case, Appendix, vol. i, note on p. 492. 97 It is worth observing that, although Mexican legislation is adduced in the United States Case as an example of the exercise of jurisdiction outside the 3-mile limit, yet in setting out the Regulations of 1874 in the Appendix, those relating to the boundaries of the fishing districts are omitted.

Appendix, vol. i, p. 115. As showing that Great Britain has not consented to the exercise of fishery jurisdiction by Mexico beyond the ordinary limit, reference may be made to the Treaty of the 27th November, 1888, between Great Britain and that country, of which the last paragraph of Article IV is as follows:

> The two Contracting Parties agree to consider, as a limit of their territorial waters on their respective coasts, the distance of 3 marine leagues reckoned from the line of low-water mark. Nevertheless, this stipulation shall have no effect, excepting in what may relate to the observance and application of the Custom-house Regulations and the measures for preventing smuggling, and *cannot be extended to other questions of civil and criminal jurisdiction or of international maritime law.*

AUTHORITIES QUOTED TO SHOW THAT LAWS OF A NATION AFFECT NONE BUT ITS OWN SUBJECTS, AND FOREIGNERS WHOSE PERSONS OR PROPERTY MAY BE WITHIN ITS TERRITORIAL JURISDICTION.

In connection with this branch of the subject, viz., the scope and effect of the legislation of other nations, it is essential to keep in mind the well-known rule of international law, that the laws of a nation affect none but its own subjects and the subjects of other nations whose persons or property may be within its territorial jurisdiction.

No nations have more consistently affirmed this rule than the United States and Great Britain, and a large number of citations might be given establishing this proposition, but a few will suffice.

Two distinguished American jurists may be quoted.

Mr. Sedgwick writes:

Sedgwick, "Interpretation and Application of Statutory and Court Law," New York, 1857, p. 70.

As a general proposition, the rule is good that no nation is bound to respect the laws of another nation, except as to persons or property within the limits of the latter. This is the general rule of our law, and this, too, is the language of the great civilians. "*Constat, igitur,*" says Rodenburg [De Stat., ch. 3, s. 1, p. 7], "*extra territorium legem dicere licere nemini, idque si fecerit quis, impune ei non pareri, quippe ibi cessat statutorum fundamentum, robur, et juridictio.*" "*Nullum*
98 *statutum,*" says P. Voet [De Stat., s. 4, ch. 2, n. 7, p. 124. Id. 130, 138; ed. 1661], "*sive in rem sive in personam, si de ratione juris civilis sermo instituatur sese extendit ultra statuentis territorium.*" And so says Boullenois: "Of strict right no laws made by a Sovereign have any force or authority except within the limit of his dominion." [1 Boullenois *Prin. Gen.*, 6, p. 4.]

Mr. Justice Story states the same proposition as one of the—

Story, "Commentaries on the Conflict of Laws," 8th edition, by Bigelow, Boston, 1883, s. 20, p. 22.

maxims or axioms which constitute the basis upon which all reasonings on the subject must necessarily rest, and without the express or tacit admission of which it will be found impossible to arrive at any principles to govern the conduct of nations, or to regulate the due administration of justice.

Ibid., p. 21.

Ibid., p. 22.

The writer proceeds to quote the passages from Rodenburg, Voet, and Boullenois, already cited by Mr. Sedgwick.

The rule of English law is no less clear.

Sir P. B. Maxwell, in a work which is the standard authority on the interpretation of Statutes, writes:

Maxwell on the "Interpretation of Statutes," 2nd edition, London, 1883, chap. vi, p. 168.

Another general presumption is that the Legislature does not intend to exceed its jurisdiction.

Primarily, the legislation of a country is territorial. The general rule is that *extra territorium jus dicenti impune non paretur; leges extra territorium non obligant.* The laws of a nation apply to all its subjects and to all things within its territories, including in this expression not only its ports and waters which form, in England, part of the adjacent county, but its ships, whether armed or unarmed, and the ships of its subjects on the high seas or in foreign tidal waters, and foreign private ships within its ports. They apply also to all foreigners within its territories as regards criminal, police, and, indeed, all other matters except some questions of personal status or capacity, in which, by the comity of nations, the law of their own country, or the *lex loci actûs* or *contractûs* applies.

It is true this does not comprise the whole of the legitimate jurisdiction of a State; for it has a right to impose its legislation on its subjects, natural or naturalized, in every part of the world; and, indeed, on such matters as personal status or capacity it is understood always to do so; but, with that exception, in the absence of an inten-

tion clearly expressed or to be inferred either from its language, or from the object or subject-matter, or history of the enactment, the presumption is that Parliament does not design its Statutes to operate on them, beyond the territorial limits of the United Kingdom. They are, therefore, to be read, usually, as if words to that effect had been inserted in them. . . . .

Maxwell on the "Interpretation of Statutes," 2nd edition, London, 1883, chap. vi, p. 174.

99 Section 2.—*Presumption against a Violation of International Law.*

So it is an admitted principle of public law that, except as regards pirates *jure gentium*, and, perhaps, nomadic races and savages who have no political organization, a nation has no jurisdiction over offences committed by a foreigner out of its territory, including its ships and waters as already mentioned; and the general language of any criminal Statute would be so restricted in construction as not to violate this principle . . . . . So it has been repeatedly decided in America that an Act of Congress which enacted that any person committing robbery in "any vessel on the high seas" should be guilty of piracy applied only to robbery in American vessels, and not to robbery in foreign vessels even by an American citizen.

See 34 Vict., cap. 8.

Ibid., p. 175.

The "Zollverein," Swabey's Reports, p. 98.

To the above quotations may be added the following extract from the Judgment of Dr. Lushington in the case of the "Zollverein:"

In endeavouring to put a construction on a statute, it must be borne in mind how far the power of the British legislature extends, for unless the words are so clear that a contrary construction can in no way be avoided, I must presume that the legislature did not intend to go beyond this power. The laws of Great Britain affect her own subjects everywhere—foreigners only when within her own jurisdiction.

CONCLUSIONS.

It is submitted that an examination of the Colonial and foreign laws referred to in the United States Case shows that international usage in no way establishes, and in no instance sanctions, the principle asserted by the United States, but, on the contrary, confirms the following propositions at p. 160 of the British Case:

The right of the subjects of all nations to navigate and fish in the non-territorial waters of the sea, now known as Behring Sea, remains and exists free and unfettered; and cannot be limited or interfered with, except with the concurrence of any nations affected.

No regulations affecting British subjects can be established for the protection and preservation of the fur-seal in the non-territorial waters of Behring Sea without the concurrence of Great Britain.

100

CHAPTER VII.

Consideration of Allegations of Fact put forward by the United States in connection with Point 5 of Article VI.

Section I.—*The Fur-seal is a Marine Animal, and Pelagic in its Habits.*

The United States Contentions.

(1.) Conclusions, United States Case, p. 295—
"That the Alaskan fur-seal . . . . is essentially a land animal, which resorts to the water only for food and to avoid the rigour of winter."
(2.) United States Case, p. 300—
"That in view of the facts . . . . it [the United States] has such a property in the Alaskan seal herd as the natural product of its soil . . . . as entitles it to preserve the herd . . . ."
(3.) United States Case, p. 90—
"From May to November inclusive (the period when the majority of the seals are on land), the mean temperature is 41° and 42° F."
(4.) United States Case, p. 122—
"An examination of the table showing the annual killing of seals on St. Paul Island for several years proves conclusively the presence of seals on the islands for at least eight months of the year."
(5.) United States Case, p. 123—
"The seals evidently consider these islands their sole home, and only leave them from being forced so to do."

Summary of British Reply.

The statement that the fur seal is a land animal is wholly unwarranted; in truth, it is not only marine, but pelagic in habit.

The statements of witnesses cited in the Case of the United States are alone sufficient to show that the fur-seal is a marine animal, and no naturalist is found to hold an opinion to the contrary.

The time in each year during which the fur-seals (or some considerable portion of them) remain on or about the Pribyloff Islands for purposes of reproduction is, in the United States Case, very greatly exaggerated. This is done by means of substituting extreme and exceptional dates for average ones, and by means of combining in a single period the several times of stay about the islands of different ages and sexes of seals.

Statements contained in the Case itself of the United States, with respect to the arrival and departure of various classes of seals, show that these may spend respectively from three to five and a-half months on or about the breeding-islands. But individual seals (with the exception of the old bulls) frequent the adjacent waters for much of the time of their resort to the islands, and many young males and virgin females probably do not land at all. Professor J. A. Allen gives the average length of stay ashore of the *Otaridæ* generally, as about one-third of the year.

101 The industry growing out of the taking of fur-seals is described as a "fishery" in official documents and acts.

The food of the fur-seal is entirely derived from the sea, and little, if any, of it is obtained even in the vicinity of the Pribyloff Islands.

CONTENTION NOVEL AND UNPRECEDENTED.

ORGANIZATION AND HABITS WHOLLY OPPOSED TO SUCH CONTENTION.—SEALS FISH-LIKE IN FORM, AND HAVE FINS, NOT FEET.

The initial assertion above quoted, which appears in the first lines of the "Conclusions," or summing up of the contentions held by the United States, is of a character so unprecedented, and so entirely opposed to everything known respecting the fur-seals or other allied animals, that it is scarcely conceivable that it is intended seriously to maintain it. It was certainly not to be anticipated that it would be necessary, in opposition to such a statement, to point out that the habits and organization of the fur-seal, with that of other pinnipeds (the sub-order to which the fur-seal belongs), are directly the converse of those formulated in the proposition just quoted: That the fur-seal resorts to the land only for or in connection with its reproduction; that its stay upon the land is but temporary, and is governed by the requirements of reproduction; that it remains on or about the land for a portion only of the year; that, during the remaining, and much the greater, part of each year, it is not only aquatic but pelagic in its habit; that, in connection with this mode of life, its whole form and organization is fitted for existence in the sea; and that it is provided with fins and not with feet, as indeed is implied by the name of the zoological sub-order under which it is included.*

RARELY LANDS EXCEPT ON THE BREEDING-PLACES.

United States Case, p. 126 *et seq.*

102 It is scarcely necessary to go further than the limits of the Case presented by the United States, to disprove the assertion just alluded to:—thus, on p. 126 *et seq.*, evidence is cited to show that "during their migration," or, in other words, during that greater part of the year in which the animal is not found upon the Pribyloff or other breeding-islands, the fur-seal never lands, and does not even frequent "inland waters"—that, in effect, it is pelagic in its habit of life. The facts contained in the Report of the British Commissioners, and evidence contained in the Appendix to this Counter-Case, show that the seal does occasionally land even during the winter months on the coasts of British Columbia, and that it also

* In the opening paragraph of his technical characterization of the animals of the sub-order *Pinnipedia*, Professor Allen gives the first and most distinctive character as follows:

"Limbs pinniform, or modified into swimming organs, and inclosed to or beyond the elbows and knees within the common integument." ("Manual of North American Pinnipeds," p. 3.)

Professor Sir W. H. Flower, K. C. B., F. R. S., similarly places this character first, writing:

"These [the *Pinnipedia*] differ from the rest of the *Carnivora* mainly in the structure of their limbs, which are modified for aquatic progression,—the two proximal segments being very short and partially enveloped in the general integument of the body, while the third segment, especially in the hinder extremities, is elongated, expanded, and webbed." ("Encyclopædia Britannica," vol. xv.—"Study of Mammals," Flower and Lydekker.)

still at times frequents the sheltered channels and straits of that coast; but the accuracy of the general statement that the fur-seal is pelagic in its mode of life cannot properly be disputed.

ALL AUTHORITIES CLASS THE FUR-SEAL AS MARINE, NOT TERRESTRIAL.

It may be necessary, however, in view of the confident assertion by the United States that the fur-seal is "essentially a land animal;" and the dependent suggested inference that the United States has some property right in the fur-seal as "the natural product of its soil, made chiefly available by its protection and expenditure;" to adduce some further evidence as to the marine or pelagic nature of the animal.

Ibid., p. 295.

Ibid., p. 300.

PROFESSOR J. A. ALLEN IN HIS "MONOGRAPH."

Professor J. A. Allen, the Curator of the American Museum of Natural History, is specially referred to and relied upon in the United States Case in connection with the natural history of the fur-seal. He is well known to naturalists from his excellent "Monograph on the North American Pinnipeds." It is therefore of importance to quote the terms in which, in the monograph named, he characterizes this group of animals. He writes:

Allen, "Monograph of North American Pinnipeds," Washington, 1880, p. 1.

The *Pinnipeds* or *Pinnipedia*, embracing the Seals and Walruses, are commonly recognized by recent systematic writers as constituting a sub-order of the order *Feræ* or Carnivorous Mammals. They are, in short, true Carnivora, *modified for an aquatic existence*, and have consequently been sometimes termed "Amphibious Carnivora." *Their whole form is modified for life in the water, which element is their true home. Here they display extreme activity, but on land their movements are confined and laboured. They consequently rarely leave the water, and generally only for short periods, and are never found to move voluntarily more than a few yards from the shore. Like the other marine Mammalia, the Cetacea and Sirenia (Whales, Dolphins, Porpoises, Manatees, &c.), their bodies*
103 *are more or less fish-like in general form, and their limbs are transformed into swimming organs. As their name implies, they are fin-footed.* Generally speaking, the body may be compared to two cones joined basally. . . . . In contrasting them with the ordinary or terrestrial mammals, we note that the body is only exceptionally raised, and the limbs are confined within the common integument to beyond the knees and elbows, *and are hence to only a slight degree serviceable for terrestrial locomotion.* . . . .

The existing Pinnipeds contain three very distinct minor groups or families, differing quite widely from each other in important characters: these are the Walruses or *Odobænidæ*, the eared seal or *Otaridæ*, and the earless seals or *Phocidæ*. . . . .

PROFESSOR J. A. ALLEN IN HIS SPECIAL REPORT.

The language above quoted may be contrasted with that used by Professor Allen in the paper specially prepared for the purposes of the Case of the United States. He (Professor Allen) there writes as follows:

United States Case, Appendix, vol. i, p. 367.

The common seals, the eared seals, and the walruses form a well-marked group of the carnivorous mammalia, constituting a sub-order (*Pinnipedia*) of the order *Carnivora*. They are carnivores specially *modified for aquatic locomotion and semi-aquatic life. Their ancestors were doubtless land animals, probably more nearly allied to the bears than*

any other existing mammals. They are still dependent on the land or on fields of ice for a resting-place, to which they necessarily resort to bring forth their young. They are thus very unlike the sea-cows and the whale tribe, which are strictly aquatic, bringing forth their young in the water, and entirely unfitted for locomotion on land.

The statement that the pinnipeds generally have been evolved, in the course of geological time, from animals resembling the bears, has no relevancy when cited in connection with the present inquiry. The actual habits of seals, it may be arguable, have some bearing on the questions at issue, but the supposed history of their evolution can have none.

DR. W. H. DALL.

Dr. W. H. Dall, who, as a well-known naturalist having personal knowledge of the Pribyloff Islands, is also relied upon and frequently referred to in the Case of the United States, describes the fur-seals as animals—

Pacific Coast Pilot; Coast Pilot of Alaska, Appendix I, p. 35.

whose normal habitat would seem to be the sea itself, and whose temporary sojourn on the land is only rendered possible by the uniform coolness and moisture of the islands.

SIR W. H. FLOWER, K. C. B., F. R. S.

Sir W. H. Flower, K. C. B., F. R. S., a specially
104 competent authority on this subject, in his article on *Mammalia* in the "Encyclopædia Britannica," speaks as follows of the *Pinnipedia:*

The animals of this group are all aquatic in their mode of life, spending the greater part of their time in the water, swimming and diving with great facility, feeding mainly on fish, crustaceans, and other marine animals, and progressing on land with difficulty. They always come on shore, however, for the purpose of bringing forth their young.

CAPTAIN BRYANT.

Captain Bryant, who had long experience in connection with the fur-seals of the Pribyloff Islands, and whose evidence, contained in a very recent statement made by him in connection with the present Arbitration, is prominently quoted in the Case of the United States, also writes as follows:

SEALS RESORT TO PRIBYLOFFS SOLELY FOR REPRODUCTION.

Quoted in Allen's "Paper on the Eared Seals," Bull. Mus. Comp. Zool., vol. ii, No. 1, p. 95.

The fur-seals resort to the Pribyloff Islands during the summer months for the sole purpose of reproduction. Those sharing in these duties necessarily remain on or near the shore until the young are able to take to the water.

Allen's "Monograph of North American Pinnipeds," p. 187.
Flower, "Encyclopædia Britannica," vol. xv, pp. 442, 443.

The fact that fur-seals are capable of a certain freedom of motion while on the land is largely the result of the greater power of active motion which characterizes these animals at all times, and which is equally or even more marked at sea, where in particular the dolphin-like leaps of the fur-seals have been frequently noted as entirely different from anything in the more leisurely and heavy mode of progression of the hair-seals or walruses.

Elliott, "United States Census Report," pp. 45, 163.

MR. H. W. ELLIOTT.

In this particular connection, it may be of interest further to quote Mr. H. W. Elliott, the United States Special Agent. His observations respecting the fish-like and essentially aquatic habit of the fur-seals are as follows:

FISH-LIKE HABITS.

They all swim rapidly, with the exception of the pups, and may be said to dart under the water with the velocity of a bird on the wing; as they swim they are invariably submerged, running along horizontally about 2 or 3 feet below the surface, guiding their course with the hind flippers as by an oar, and propelling themselves solely by the fore feet, rising to breathe at intervals which are either very frequent or else so wide apart that it is impossible to see the speeding animal when he rises a second time. Ibid., p. 45.

How long they can remain under water without taking a fresh breath, is a problem which I had not the heart to solve, by instituting a series of experiments at the islands; but I am inclined to think that, if the truth were known in regard to their ability of going without rising to breathe, it would be considered astounding. . . . . All their movements in water, whether they are travelling to some objective point or are in sport, are quick and joyous. . . . . They sleep in the water a great deal, too, more than is generally supposed, showing that they do not come on land to rest—very clearly not.

105

LENGTH OF RESORT TO BREEDING ISLANDS.

In the Case of the United States very ambiguous and even contradictory statements are made respecting the length of time in each year during which the fur-seal resorts to the land, a matter which it may be presumed is rather an important one in relation to the claim made that it is "essentially a land animal."

STATEMENTS IN UNITED STATES CASE QUESTIONED.

It is stated in the Case of the United States that the period when the majority of the seals are on land is from May to November inclusive. United States Case, p. 90.

In the Report of the United States Commissioners it is again stated that—

The amphibious fur-seals are not only intermediate between the hair-seals and terrestrial carnivorous mammals in structure and means of locomotion, but also in habits, for they spend fully half their lives on land. Ibid., pp. 321, 322.

It is elsewhere said that—

An examination of the table showing the annual killing of seals on St. Paul Island for several years proves conclusively the presence of seals on the islands for at least eight months of the year, and that they have, in fact, been killed there in every month of the year. Ibid., pp. 122, 123.

FALLACIES UPON WHICH ERRONEOUS STATEMENTS BASED.

The apparent object of these statements is to show that, for the greater part of each year, the seals remain ashore upon the breeding islands; but it is submitted that such statements of a general kind are essentially misleading, and this for several reasons. As in the case of all migratory

animals, certain individuals are found to arrive long before the mass of their kind in almost every year, while others, either from individual eccentricity or because of age, weakness, or wounds, are in a similar manner left behind. Such "strays" should not, however, in any case, be regarded as indicating the dates of the period of the arrival and departure of the main body of animals. The Tables quoted as Appendix (B) to the Report of the United States Commissioners, and giving the first arrivals of seals at the Pribyloff Islands for a number of years, show this general rule in the case of the fur-seal: and, if the earliest dates of arrival should be accepted as indicating the opening of the periods of arrival of the seals as a whole, would be entirely misleading.

"Strays" in migration.

United States Case, pp. 385, 386.

106

SEXES ARRIVE AND LEAVE AT DIFFERENT TIMES, THUS AGGREGATE DATES DO NOT REPRESENT ACTUAL RESIDENCE.

The subject is further complicated by the fact that seals of different sexes and ages do not arrive simultaneously at the breeding-islands or leave these islands at the same times. Thus it becomes possible to make general statements which, though in a measure based on fact, convey no real idea of the average time spent by the seals upon the land. For this reason it will be found that the particulars given in the United States Case as to the dates of the arrival and departure of the various sexes and ages of seals do not correspond with the above-quoted general allegations, though, even in these statements, extreme limits rather than average ones are in most cases taken.

PARTICULARS GIVEN IN UNITED STATES CASE DO NOT CORRESPOND WITH QUOTED CONTENTIONS.

United States Case, p. 108.

Thus it is stated in the United States Case that the bulls arrive in "the latter part of April or first few days of May," and begin to leave the islands about the 1st August, and "continue going till the early part of October." This, in other words, would make the stay of the bulls about the islands from three to four months.

Ibid., p. 112.

Bulls resort to islands for 3 to 4 months.

United States Case, pp. 108, 109.

The cows, it is stated—

> begin to appear toward the latter part of May or 1st June;

while—

> the great majority, however, do not haul up until the latter part of June; and the arrivals continue until the middle of July.

Ibid., p. 120.

They are stated to remain on the islands till about the middle of November. Thus, as an extreme limit for the stay of the cows, the above shows a period of four to five months and a half.

Cows, 4 to 5½ months.

Similarly the "bachelors," or young male seals are said to—

United States Case, p. 120.

> begin to arrive in the vicinity of the islands soon after the bulls have taken up their positions upon the rookeries, but the greater number appear toward the latter part of May.

In regard to the departure of this class, it is said that this—

generally takes place at the same time the cows and pups leave the islands, though a few bachelors always are found after that period. Ibid., p. 122.

107 So that, as an extreme limit of time for the stay of the bachelors, we have, according to the statements here made, about five months and a half. Bachelors, 5½ months at most.

EVIDENCE GIVEN IN UNITED STATES CASE SHOWS STILL SHORTER RESORT TO BREEDING ISLANDS.

But the evidence of those personally familiar with the breeding-islands, even that which is appended to the United States Case, invariably gives shorter limits of time for the sojourn of any considerable numbers of the seals on the islands.

MR. FOWLER.

Thus, Mr. Fowler, the agent of the lessees, states:

The bull seals arrive on the islands from the latter part of April to June 15th, and most all of them leave in August and September. . . . . The cows come to the islands between June 1 and July 20, and commence leaving in October. . . . . The young male seals from 2 to 5 years old come in May or June. . . . . The pups are born soon after the cows arrive, and remain until October or November. United States Case, Appendix, vol. ii, p. 25.

MR. MORTON.

Mr. Morton, agent for the lessees, and Treasury Agent, says:

By the middle of September the systematic organization of the rookeries is entirely broken up, and the major part of the seals have left the land. Ibid., p. 67.

J. KOTCHOOTEN.

Jacob Kotchooten, a native sealer, says:

The most of the bulls leave the island in September, and the cows in the last of October, and early in November. Ibid., p. 131.

MR. MORGAN.

Mr. Thomas F. Morgan, agent of lessees for many years:

The pups which left the island the year before have now become "yearlings," . . . . not coming on shore until some time in August or September. . . . . The male seal, now called a bull, returns to the islands about the 1st May. . . . . About the 1st August he again takes to the water. Ibid., pp. 62, 63.

MR. FRATIS.

John Fratis, twenty-two years on St. Paul Island:

The cows appear about the 16th June, and they are all on the rookeries about the middle of July. . . . . The bachelors come in May, ... and they continue coming till July. . . . . The cows and bachelors begin to leave in October and November, but their going is regulated somewhat by the weather. Ibid., p. 108.

Dr. L. A. Noyes, agent of lessees:

United States Case, Appendix, vol. ii, p. 80.

From the time the bulls haul out in May till they leave in September, &c.

MR. FALCONER.

Mr. Falconer, Treasury Agent:

Ibid., p. 166.

He [the bull seal] has come earlier than formerly to the islands, having arrived in May. . . . . They depart in August and September.

EVEN THESE STATEMENTS DO NOT PROPERLY REPRESENT LENGTH OF STAY OF MAIN BODY OF SEALS.

All the above periods of stay on the islands would, however, be very materially reduced if the period of stay of the main body of seals of each class were alone taken into account; and it is moreover to be remembered that, as above stated, they refer only to the periods during which the seals are found on or about the islands. As a matter of fact, the old bulls are the only seals which remain continuously for any lengthened period ashore, all other classes spending a considerable portion of the time in the adjacent water. It is besides more than probable that many of the bachelors, as well as the virgin cows, if they haul out upon the islands at all, do so for very brief periods only.

British Commissioners' Report, pp. 14, 76.

INDIVIDUAL SEALS, MOREOVER, SPEND MUCH TIME IN THE WATER EVEN WHILE AT THE ISLANDS.

Maynard, 44th Congress, 1st Sess., H. R., Ex. Doc. 43, p. 4.

In fact, the evidence proves that the different classes of seals resort to the islands at different dates and for different periods. Moreover, of the classes that are ashore, with the exception of the breeding seals, it is probable that at least one-third of the number are at any given time disporting themselves in the waters immediately adjacent to the rookeries. But while it is true to say that the great body of the seals commence to come ashore in May and June, and to leave in September and October, it will be seen that no single class of seals resorts to the shore for the aggregate period thus included.

PROFESSOR ALLEN GIVES 4 MONTHS AS AVERAGE TIME OF RESIDENCE.

United States Case, Appendix, vol. i, p. 370.

In fact, Professor J. A. Allen, in his article specially prepared for the United States Case, says of the eared seals (*Otaridæ*) generally:

> They are polygamous, and resort to the land to breed, where they spend *almost continuously about one-third of the year.*

UNITED STATES CONTENTION AS TO LENGTH OF STAY THUS DISPROVED BY EVIDENCE IN UNITED STATES CASE.

United States Case, pp. 90, 321, 322.

It is thus established that on the data as given in the Case of the United States, no statement to the effect that the fur-seal spends even half of the year ashore can be substantiated.

109 ACTUAL LENGTH OF RESORT TO BREEDING ISLANDS.

From a study of the most noteworthy published observations, notably those of Bryant, Elliott, and Maynard (writers who, in framing their official Reports, had no reason for unduly limiting or extending the period during which the fur-seal naturally resorts to the land), the British Commissioners report as follows:

With reference to the length of the period during which the fur-seals resort to the shore:—the breeding males begin to arrive at the Pribyloff Islands at varying dates in May, and remain continuously ashore for about three months, after which they are freed from all duties on the breeding rookeries, and only occasionally return to the shores. The breeding females arrive for the most part nearly a month later, bearing their young immediately on landing, and remaining ashore, jealously guarded by the males; for several weeks, after which they take every opportunity to play in the water close along the beaches, and about a month later they also begin to leave the islands in search of food, and migrate to their winter habitat. The young males and the young females come ashore later than the breeding seals, and at more irregular dates, and 'haul out' by themselves. Lastly, the pups of the year, born in June and July, commence to 'pod,' or herd together away from their mothers, towards the middle or end of August, and after that frequent the beaches in great numbers, and bathe and swim in the surf. They remain on the islands until October, and even November, being among the last to leave. British Commissioners' Report, para. 30.

Details respecting the landing and departure of the various classes of seals will be found in paragraphs 174 and 188 of the British Commissioners' Report.

From the quotations and references given above, it is clear that the fur-seal has never been considered by naturalists "a land animal;" and almost innumerable citations in support of this statement might be made.

SEAL INDUSTRY, IN ALL STATE PUBLICATIONS OF THE UNITED STATES AND ACTS OF CONGRESS, CALLED A FISHERY.

It will, however, here be sufficient to show, in addition, that in the official publications and documents of the United States, as a matter of common usage, the industry depending on the fur-seal has throughout been called a "fishery." It is not to be assumed that in the choice of this term the fur-seal was supposed to be a "fish" from the standpoint of a zoologist, but rather that its nature and habits clearly show that it is a marine animal, and not a product of the soil, as is now, and for the first time in history, gravely asserted. The industry growing out of the capture 110 of the fur-seal is in effect a "fishery" in a sense analogous to that in which this term is used in many other cases, such as the "whale fishery," or the "oyster fishery." In the Appendix, the titles of several Acts of Congress and other official documents, ranging in date from 1832 to 1892, are cited as examples of this, in which the industry is invariably described as a "fishery." United States Case, p. 300. Appendix, vol. i, p. 122.

FOOD ENTIRELY DERIVED FROM THE SEA.

It should further be borne in mind that the food upon which the fur-seal subsists is entirely derived from the sea, and no portion of it from the land. The quantity con-

sumed by the seals individually and also as a whole, is dealt with later in this Counter-Case (p. 152); and it is there shown to amount to many millions of tons annually. It is still further worthy of remark that but a small proportion of this food is derived even from the neighbourhood of the Pribyloff Islands, for it is admitted in the United States Case that the bulls do not feed during the period in which they reside upon the islands; and as to the other seals frequenting the islands, the British Commissioners were of opinion that they also do not feed whilst on or about the islands. In support of this belief they quote the fact that the rookeries and hauling-ground were searched in vain for any traces of excrement, and that, having killed a considerable number of seals of all descriptions, and examined the contents of their stomachs, no trace of food was found. Continued observations in 1892 entirely support this opinion.

Seals do not feed while resorting to the breeding-islands.

British Commissioners' Report, paras. 242, 243.

Appendix, vol. i, p. 144.

CONCLUSIONS.

It is, therefore, evident that no grounds exist to justify the application to the fur-seal of the designation of land animal, when admittedly it derives its entire sustenance from the ocean, and passes there two-thirds, if not more, of its existence.

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111 SECTION II.—*The Fur-seal is in no sense a Domestic Animal.*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 295—
"The seal is domestic in its habits and readily controlled by man while on the land."
(2.) United States Case, p. 154—
"The killing of a portion of the surplus male life is undoubtedly a benefit to the herd, as it is with other domestic and polygamous animals."
(See also pp. 147 to 150, "Control and Domestication.")

SUMMARY OF BRITISH REPLY.

Though fur-seals are to a certain degree controllable when on land, this results from their helplessness while there, and such control has nothing to do with domestication.

The seals are now fearful of man, even when collected in great numbers ashore; though it is probable that, when their breeding-places were first visited, ignorance caused them to be fearless.

All ideas attached to the word "domestic" are wanting in the case of fur-seals. Man does not provide their food; his care is at most of a negative kind, and consists in the avoidance of acts which tend to drive them wholly away from the breeding-islands. They would not suffer, but, on the contrary, would profit by his departure from these islands.

During the greater part of the year the seals are wholly removed from the cognizance of persons on the Pribyloff Islands; and till very lately their winter haunts were not even known.

No scientific evidence can be adduced in support of the contention that the seal is other than a wild animal; and it is believed that no credible evidence from any source can be quoted to such an effect.

OBJECT OF THE ASSERTION THAT THE SEAL IS DOMESTIC.

The peculiar claim embodied in the above quotations from the United States Case is evidently put forward with the object of avoiding the consequences resulting from the fact that the seal is an animal *feræ naturæ*, and as a step essential toward the claim of "property" in seals; and from this point of view it requires examination, notwithstanding its extraordinary nature. It is to be observed that, in other connections and for another purpose in the Case of the United States, it is admitted that fur-seals are animals *feræ naturæ*.

United States Case, pp. 230 and 299.

BASIS OF THE ASSERTION.

The whole argument advanced in the Case of the United States as to the domestic character of the fur-seal, with the allegations upon which it is based (given in detail in the Appendix of the Case), resolve themselves into the
112 statement, given in more or less varying forms, that the animals are "readily controlled by man while on the land."

Control not domestication.

United States Case, p. 295.

The only sense in which the assertion that the seals are readily controlled while on land by man, is that referred to by the British Commissioners, who write:

British Commissioners' Report, para. 31.

> While resorting to or remaining on the land, the fur-seal is practically defenceless.

And elsewhere:

> Active and graceful as a fish in the water, the fur-seal is at the best clumsy and awkward in its movements on land.

Ibid, para. 704.

THE SEAL CONTROLLABLE ON LAND BECAUSE DEFENCELESS THERE.

The ease with which it is possible to drive bodies of seals on land, which is the principal argument used to show their "domestic" character, therefore depends in reality upon the unfitness of the animal for progression by land, and the consequent impossibility of its escape from the drivers by flight.

WHOLLY UNCONTROLLABLE ELSEWHERE.

The fur-seal endeavours, and for the greater part of the year with success, to avoid mankind. Man is unable to herd it, provide it with food, or protect it from its many natural enemies. But the fur-seal, while on shore, cannot find freedom and safety by flight or by resistance. It is thus because the fur-seal is incapable on shore of speedy or prolonged locomotion or exertion, that it can be, and is, brought temporarily under the control of man. But it is to be noted that it is absolutely uncontrolled and uncontrollable by man when it chooses to proceed to sea, as it invariably does for the greater part of the year.

CIRCUMSTANCES PERMITTING A TEMPORARY CONTROL.

The further circumstance, also adduced in the Case of the United States, that, after being driven to the vicinity of the killing-grounds, such bodies of seals may without difficulty be kept together till the time for killing arrives, depends in part on the same fact, and in part on the additional circumstance that the seals are then completely exhausted. Even when eventually turned away from the killing-grounds, the spared seals are often in too exhausted a state to return voluntarily to the sea for long times.

Ibid., paras. 710, 711.

SEALS FEARFUL OF MAN.

Neither is it difficult to show by recorded observations that the allegations made to the effect that the seals do not show fear when approached by man on the islands are unfounded, or, at least, so much exaggerated as to convey a wholly wrong impression. When on the breeding-islands they are certainly not so wary as when at sea. They are, in fact, particularly occupied at this season by their own affairs; and, besides, like other wild animals, under such circumstances to some extent emboldened by numbers. Mr. Elliott writes on this point:

113

Quotations from authors on this subject.

Census Report, p. 65.

> But the companionship and the exceeding number of the seals, when assembled together annually, makes them bold.

They are nevertheless readily alarmed.

Mr. Elliott, in his evidence before a Congressional Committee, says:

44th Cong., 1st Sess., H. R., Report No. 623, p. 78.

> The females are exceedingly timid. The males are very bold, and will not leave unless driven off, but the females will. I myself, unaided, could drive every seal off that island in two years, without killing one.

Again, in evidence before another Committee of Congress, he says:

50th Cong., 2nd Sess., H. R., Report No. 3883, p. 137.

> Let anybody disturb them [the breeding seals] however, go among them with fire-arms or clubs or along the beach even, and they will soon take the alarm and leave.

Mr. H. A. Gliddon, Government Agent on the Pribyloff Islands, also says:

Ibid., p. 25.

> The seal is a sensitive animal, and it does not like to be disturbed, and it must not be disturbed. If they are they will not go there [Pribyloff Islands] at all.

Ibid., pp. 63, 251.

In the same Report, Messrs. T. F. Morgan and J. H. Moulton give like statements.

Professor J. A. Allen quotes Captain Bryant as follows:

British Commissioners' Report, para. 331, Bull. Mus. Comp. Zool., vol. ii, Part I, p. 97.

> Constant care is also necessary lest thoughtless persons incautiously approach the breeding-grounds, as the stampede of the seals which would result therefrom always destroys many of the young.

Baron Nordenskiöld likewise says:

Ibid., para. 333, "Voyage of the 'Vega,'" vol. ii, p. 299,

> The young ones are often smothered by the old when the latter, frightened in some way, rush out into the sea. After such an alarm hundreds of dead pups are found on the shore.

One of the witnesses cited by the United States says that the seals—

grow much tamer, too, with repeated driving, and seem to learn the road and what is expected of them on the killing-ground.

United States Case, Appendix, vol. ii, p. 2.

The so-called "domestication" thus resulting from repeated driving is fully explained by the details given in another page with respect to the methods and results of such driving.

114

See pp. 200 *et seq.*

ORIGINALLY FEARLESS, CONTACT WITH MAN HAS PRODUCED TIMIDITY, NOT DOMESTICATION.

So far from having had their comparative boldness while on land impressed upon them by any process of "domestication," it is indeed more than probable that the northern fur-seals, like other animals when resident where they have from time immemorial been exempt from attack, were at first entirely inapprehensive of danger. Thus, of the fur-seal of the Southern Hemisphere, Captain Morrell writes:

When these animals are for the first time visited by man they evince no more apprehension of danger from their new guests than did the natives of San Salvador when first visited by the Spaniards; and the confidence of the poor seals is requited in the same manner as theirs was—by robbery and murder. In fact, they will lie still while their companions are slaughtered and skinned.

United States Case, Appendix, vol. i, p. 377.

A similar impression is conveyed by the original Russian accounts of the fur-seals of Behring Island.

"Monograph of North American Pinnipeds," p. 344

ANALOGY WITH OTHER ANIMALS.

The control of a given body of seals on land is thus precisely analogous to that which may be exercised over terrestrial animals such as deer, when found in or driven into the water; and much resembles the domestic habits which might equally be attributed to salmon when congregated on their spawning-grounds, as compared with their timidity at other times. In a manner quite comparable to that employed in killing seals upon the breeding-islands, the sea-turtle in other parts of the world is taken when resorting to the shores to deposit its eggs; but no one has asserted that the marine turtles are to be classed as domestic animals because of their helplessness on land, or has called them land animals in consequence of their resort to the shores for breeding.

MAN EXERCISES NO SPECIFIC CARE OVER THE SEAL.

Neither can the fur-seal be classed as a domestic animal by reason of any specific care exercised over it by man in connection with its production or protection. Man has intruded and has established himself on the breeding resorts. The actual nature of the interference of man with the fur-seals is clearly expressed in the Report of the British Commissioners, who write:

British Commissioners' Report, para. 35.

BUT IS AN INVADER ON ITS BREEDING RESORTS.

Their former places of secure retreat were invaded by man, while, during the greater part of each year, they remained exposed on
115 the open ocean as before to innumerable accidents, and entirely beyond the control or possible protection of those in charge of the breeding-islands. The inroads of the seal-killers on the islands might be modified in kind or in degree, but their general tendency could not be reversed.

SHOULD HE ABANDON THESE ISLANDS, THE SEALS WOULD PROFIT.

British Commissioners' Report, paras. 35, 36.

Since the occupation by man of the breeding-islands, the steps taken in the interest of fur-seal life upon them have consisted solely of measures more or less effective to prevent the disturbance of the animals, and to leave them as much as is possible, in view of the demands made for killing, to themselves. If these islands should be entirely abandoned by man, and left unvisited by him, the fur-seals, so far from suffering in any respect, would tend gradually, but certainly, to revert to the favourable conditions formerly existing; and would undoubtedly increase in numbers till checked by such natural causes as tend to set limits to the increase of all animals.

Ibid., para. 32.

SEALS ARE NOT FED ON THE ISLANDS; THEY LEAVE EMACIATED.

All the ideas commonly attaching to the word "domestication" are wanting in this case. Not only are the fur-seals not fed by man, but they do not obtain a particle of food while upon the Islands, and little, if any, while in the adjacent territorial waters. Their resort in the Pribyloff Islands is strictly in connection with the requirements of the breeding period. They arrive there fat and in good condition, and, after their prolonged period of fasting, leave in an emaciated state for their feeding-grounds in the great tracts of ocean to the southward.

Bull. Mus. Comp. Zool., vol. ii, No. 1, p. 37.

"Monograph of North American Pinnipeds," p. 227, &c.

MR. H. W. ELLIOTT.

Mr. H. W. Elliott, in his Monograph, published in 1881, writes as follows on the amount of control which man is capable of exercising over the fur-seal:

United States Census Report, p. 66.

I am free to say that it is not within the power of human management to promote this end [an increase in the number of seals] to the slightest appreciable degree over its present extent and condition as it stands in the state of nature, heretofore described. It cannot fail to be evident, from my detailed narration of the habits and life of the fur-seal on these islands during so large a part of every year, that could man have the same supervision and control over this animal during the whole season which he has at his command while they visit the land, he might cause them to multiply and increase, as he would so many cattle, to an indefinite number—only limited by time and the means of feeding them. But the case in question, unfortunately, is one where the fur-seal is taken by demands for food, at least six
116 months out of every year, far beyond the reach or even cognizance of any man, where it is all this time exposed to many known powerful and destructive natural enemies, and probably many others, equally so, unknown, which prey upon it, and, in accordance with that well recognized law of nature, keeps this seal life at a certain

number—at a figure which has been reached, for ages past, and will continue to be in the future, as far as they now are—their present maximum limit of increase, namely, between 4,000,000 and 5,000,000 seals, in round numbers.

On another page the same author writes:

During the winter solstice—between the lapse of the autumnal, and the verging of the vernal equinoxes—in order to get this enormous food supply, the fur-seals are necessarily obliged to disperse over a very large area of fishing-ground, ranging throughout the North Pacific, 5,000 miles across between Japan and the Straits of Fuca. United States Census Report, p. 65.

LIEUTENANT MAYNARD.

On the same subject, Lieutenant W. Maynard, United States navy, in his Special Report of 1874, says:

But in reality we do not even know where they are for seven months in each year, while we do know that they have deadly enemies. . . . . Our protection of them can only be partial, that is to say, we can limit the number to be killed, when they are within our reach, and prevent their being disturbed on the breeding rookeries or driven from the islands. Report on Fur-seal Fisheries, 44th Cong., 1st Sess., H. R., Ex. Doc. 43, p. 6.

PROFESSOR ALLEN.

It is only during the course of the present inquiry that the migration routes have been made known, and the question which has been consistently asked of sealers from the earliest times has been answered. With reference to this, Professor Allen, writing in 1880, says: British Commissioners' Report, para. 171.

Of the life of these animals while absent from the islands but little is known, nor is it known where their principal feeding-grounds are. "Monograph of North American Pinnipeds," p. 410.

On another page of the same work he writes:

Except during the season of reproduction, these animals appear to lead a wandering life, but the extent and direction of their migrations are not yet well known. . . . . but where they pass the season of winter is still a matter of conjecture. Ibid., p. 335.

MAN'S CARE OF SEALS THUS MERELY NEGATIVE.

While, therefore, it is admitted that, in the absence of precautions such as to prevent excessive disturbance and unlimited killing of seals upon the breeding-islands, these animals might in a few years be practically extirpated
117 or driven from the islands, it is evident that such precautions are of a purely negative character.

HIS PRACTICES ON THE ISLANDS ARE INJURIOUS TO THE ANIMAL.

It is further shown that the control and mode of dealing with the fur-seals at the time of driving is not only not beneficial, but is distinctly and in an important degree injurious to the survivors; while the claim advanced in the United States Case, to the effect that a large number of "surplus males" may be killed with advantage, as in the case of other "domestic" animals, is decisively negatived by observations elsewhere detailed, and particularly by the fact that the fur-seals differ entirely from domestic animals

See pp. 260 *et seq.*

United States Case, p. 154.

See pp. 238 *et seq.*

of polygamous habit, in the impossibility in their case of the artificial selection of the stronger and finer males for breeding purposes.

NO SCIENTIFIC EVIDENCE ADDUCED IN SUPPORT OF CONTENTION THAT THE SEAL IS A DOMESTIC ANIMAL.

It will be noted that neither the United States Behring Sea Commissioners, nor Professor J. A. Allen, in their Reports, venture to characterize the fur-seal as a domestic animal, and in fact that Professor Allen, in conformity with facts and usage, distinctly classes it as a wild animal, writing:

United States Case, Appendix, vol. i, p. 375.

> The habits of no wild animal during the breeding season are perhaps better known than are those of the Northern or Alaskan Fur-Seal.

United States Case, p. 150.
Ibid., Appendix, vol. i, p. 431.

The sole opinion purporting to be of a scientific kind adduced as evidence, in which the "domestic" character of the fur-seal is affirmed, is that of Dr. E. von Middendorf, of Russia, who writes that the seal "was created for a domestic animal;" but it is very clear that the writer did not appreciate the meaning of the word "domestic." He writes:

> It is, in fact, the most useful of all domestic animals, *since it requires no care and no expense*, and consequently yields the largest net profits.

CONCLUSION.

It is submitted that there is no just ground for the contention that the seal is domestic in its habits.

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118 SECTION III.—*Intermingling of Fur-seals of different parts of the North Pacific.*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 89—
"The Alaskan fur-seal."

(2.) United States Case, p. 94—
"The Alaskan seal herd."
"The two great herds of fur-seals which frequent the Bering Sea and North Pacific Ocean and make their homes on the Pribilof Islands and Commander (Komandorski) Islands, respectively, are entirely distinct from each other."

(3.) United States Case, p. 96—
"These two herds of fur-seals do not intermingle, each keeping to its own side of Bering Sea and the Pacific Ocean."

(4.) United States Case, p. 323—
"In winter the fur-seals migrate into the North Pacific Ocean. The herds from the Commander Islands, Robben Reef, and the Kurile Islands move south along the Japan coast, while the herd belonging to the Pribilof Islands leaves Bering Sea by the eastern passes of the Aleutian chain. The fur-seals of the Pribilof Islands do not mix with those of the Commander and Kurile Islands at any time of the year."

(5.) United States Case, p. 296—
"That its [the fur-seal's] course when absent from these islands is uniform and confined principally to waters adjacent. That it never mingles with any other herd. . . . . That at all times when in the water, the identity of each indi-

vidual can be established with certainty, and that at all times, whether during its short excursions from the islands in search of food or its longer winter migration, it has a fixed intention, or instinct, which induces it to return thereto."

Summary of British Reply.

The word "herd" is applicable to seals (if at all) only when on the islands, and then only to each rookery separately, or to bodies of seals driven together. It is entirely incorrect and misleading when applied, as in the United States Case, to an indefinite portion of the fur-seals of the North Pacific, there entitled "the Alaskan seal herd."

No distinction, as between the fur-seals resorting to the two sides of the North Pacific, has heretofore been known to naturalists; and the distinction now for the first time endeavoured to be established in the Case of the United States is wholly unsupported by naturalists.

The alleged distinction is based on the classing of skins by fur-dealers; but such classing and the difference of price resulting, are no evidence of difference of kind in the fur-seal or in other animals.

The criteria employed by fur-dealers in classing the skins, though important in the trade, are in themselves slight and difficult of definition, and the evidence given in the Case of the United States on this point is conflicting. In the particular case of skins from the Pribyloff and Commander Islands, experienced dealers actually observe a large percentage of skins from each source which would be classed according to quality as coming from the other.

The intermingling of fur-seals frequenting the two sides of the North Pacific is *per se* probable. It must at one time have occurred, and no reason can be assigned for its alleged cessation.

119 Such intermingling is either admitted to be probable, or is asserted to occur, by many of the officials on the Pribyloff Islands during twenty years past. It has not been denied till now in the Case of the United States. Intermingling is shown by actual experiment to have occurred as between the Islands of St. Paul and St. George.

The evidence quoted in the Case of the United States is alone sufficient to show that fur-seals from both sides of the Pacific intermingle, during the summer, in the vicinity of the Aleutian Islands.

Further evidence, now adduced, shows that intermingling occurs between the seals of the North Pacific generally, both to the north and to the south of the Aleutian Islands.

The proposition that the identity of individual seals can be established when at sea, is absolutely unsupported by evidence.

MEANING AND OBJECT OF CONTENTION OF UNITED STATES.

Taking the statements made in the above quotations from the United States Case, it would appear that the position sought to be maintained in this matter may be outlined as follows:—That there is a distinctively "Alaskan seal herd" which never mingles with other fur-seals. That the identity of each animal can at all times be established with certainty in the water. That the course of the "Alaskan herd" is uniform when absent from the breeding-islands, and is confined principally to waters adjacent to the coasts of the United States, and that at all times the seals have a fixed intention of returning to the Pribyloff Islands.

The burden of proof of these general propositions devolves upon the United States. The position indicated is assumed in order to support the theory of an exclusive property in fur-seals. Great importance is apparently attached to it, for it is not only advanced in the opening pages of the lengthened discussion on the conditions of seal life, but is frequently reiterated.

ERRONEOUS USE OF THE WORD "HERD."

Before entering into any detailed examination of the subject dealt with in this Chapter, it is desired to draw attention to the use here and elsewhere made of the word "herd" as applied to the fur-seals of the eastern part of the North Pacific. This, it is submitted, is a term which connotes characters entirely foreign to the known habits of the animal. If at any time possible to describe the fur-seals as forming a "herd," this can only be when it is found aggregated upon the breeding-islands; and even then, in any recognized use of the term, it could be made to apply only to any individual breeding-rookery or hauling-ground, of which upon the Pribyloff Islands alone there are many.

120 TERM WHOLLY INAPPLICABLE TO FUR-SEALS OF EASTERN PACIFIC.

See Captain Bryant's opinion, British Case, p. 108.
British Commissioners' Report, paras. 209, 221, 222.

It is therefore simply an abuse of language to apply this single term even to the seals when upon the numerous and separate breeding colonies of the Pribyloff Islands, and much more so to attempt to denote by it the same animals when, during the greater part of each year, they are found to be scattered over an extent of ocean which stretches from the vicinity of the Pribyloff Islands to the coast of California—some 3,000 miles—and, to a lesser extent, from one side of the North Pacific to the other. No evidence has been adduced such as to warrant the use of this term, and the justification of its employment will be sought in vain in the facts brought forward in the Reports of the Commissioners of either the United States or Great Britain.

NATURALISTS DRAW NO DISTINCTION BETWEEN FUR-SEALS OF TWO SIDES OF NORTH PACIFIC; THOUGH THESE HAVE LONG BEEN WELL KNOWN.

As bearing upon the general contention above stated, it may in the first place be pointed out that naturalists generally, including those who have devoted special attention to the subject, and who have been most critical and minute in their work of comparison and separation, have up to the present time found no reason to draw any distinction between the fur-seals taken in the eastern and western parts of the North Pacific. The seals so found have been universally included under a common specific name, and no difference even of a sub-specific order has been found to be tenable as between them. Thus, after referring to the comparative want of knowledge of the otaries of the Southern Hemisphere, Professor J. A. Allen writes:

"Monograph of North American Pinnipeds," p. 205.

> Those of the Northern are much better known, the only doubts still existing having relation to those of Japan. Respecting all the others, there has been for the last eight years an almost perfect unanimity of opinion, so far as the question of species is concerned.

Naturalists differ in opinion whether the fur-seals of the North Pacific should, or should not, be classed as generically different from those of the Southern Oceans, and in consequence of this difference of opinion, the names *Otaria ursina* and *Callorhinus ursinus* have been employed to denote the North Pacific Fur-seals collectively. By naturalists generally, moreover, the animal in question is referred to as the "Northern fur-seal," or "fur-seal of the North Pacific" (see Flower and Allen, as cited in the margin), and not as the "Alaskan" fur-seal. The United States Commissioners, in their Report, have, however, in-
121 vented still another name, viz., "Bering Sea fur-seal."

Sir W. H. Flower, "Encyclopædia Britannica," vol. xv, p. 433; British Commissioners' Report, Appendix, p. 186.

Professor J. A. Allen, "Monograph of North American Pinnipeds," p. 33; United States Case, Appendix, vol. i, p. 372.

United States Case, p. 319.

The attempt, therefore, in the course of the arguments now produced, to evolve a new and special name for application to those fur-seals found in the eastern part of the North Pacific, and to denote them as a "herd," must be considered as singularly unfortunate.

UNITED STATES COMMISSIONERS AND PROFESSOR ALLEN ADMIT SPECIFIC IDENTITY.

The United States Behring Sea Commissioners state that the fur-seal of the North Pacific constitutes but a single species, writing:

> The Northern fur-seal (*Callorhinus ursinus*) is an inhabitant of Bering Sea and the Sea of Okhotsk, where it breeds on rocky islands. Only four breeding colonies are known, namely, (1) on the Pribilof Islands, belonging to the United States; (2) on the Commander Islands, belonging to Russia; (3) on Robben Reef, belonging to Russia, and (4) on the Kurile Islands, belonging to Japan.

Ibid., p. 322.

Professor J. A. Allen similarly characterizes the "Northern fur-seal" as a whole, as constituting a single species; and omitting all reference to the existence of the breeding-places on Robben Reef and the Kurile Islands, defines its habitat as—

> the islands in Bering Sea; at present chiefly the Pribilof and Commander Islands, migrating southward in winter along the American coast to California, and along the Asiatic coast to the Kurile Islands.

Ibid., Appendix, vol. i, p. 372.

THE FUR-DEALER IS DEPENDED ON AS PROVING DISTINCTION DRAWN IN UNITED STATES CASE.

In order, however, to establish the constant difference which it is considered necessary to prove as between the seals found on the two sides of this ocean, not the skilled naturalist, but the fur-dealer and furrier, are chiefly appealed to in the United States Case. It will, therefore, be appropriate in the first place to examine the nature of the evidence obtained from such sources.

BUT SKINS OF SAME ANIMALS TAKEN IN DIFFERENT SURROUNDINGS FREQUENTLY POSSESS DIFFERENT COMMERCIAL VALUES.

It is a fact very well known and widely recognized, that skins even of the same animals taken in different localities under different conditions of climate, and differently

handled and cured, are classified very differently from a commercial point of view. This applies to skins of almost all kinds, but is specially noteworthy in the case of such fur-bearing animals as the otter, mink, marten, and beaver.

EXAMPLES OF THIS.

See also Appendix, vol. ii, p. 239.

Thus in the Hudson's Bay Company's fur sale of March, 1891, No. 1 marten skins from Port George, &c., were sold at 23*s.* to 24*s.*, from East Main 20*s.* to 20*s.* 6*d.*, from
122 York Factory at 13*s.*, from "North-West" at 12*s.* 6*d.* to 12*s.* 9*d.*, and from Mackenzie River District at 11*s.* 6*d.* Similarly, and at the same Company's sale in January 1892, No. 1 beaver-skins from Fort George sold at 62*s.*, from Moose River and East Main at 45*s.* 6*d.* to 47*s.*, from York Factory at 39*s.* 6*d.* to 41*s.*, and from Mackenzie River District at 33*s.* 6*d.*

COMMERCIAL VALUES THUS DEPEND ON SLIGHT DIFFERENCES IN FUR, NOT ON CONSTANT DIFFERENCES OF KIND.

United States Case, Appendix, vol. ii, pp. 573, 575.

Such differences in value depend of course upon differences of colour, density of the fur, texture, &c., observed in the skins as brought to market, the above comparisons being in all cases made between No. 1 skins from each district. They are similar in proportionate amount to those quoted in reference to the Alaska and Copper (Commander) Islands fur-seal skins.* They occur in this instance, in each case, in animals of the same kind, inhabiting the single connected land area of the northern part of North America, in which intermingling and interbreeding must be continually in progress.

"NORTH-WEST" AND "ALASKA" SKINS ARE DIFFERENTLY DEFINED.

Ibid., pp. 573, 575.

It is further noteworthy, as an index of the amount to which the mode of treating a skin may affect its market value, that the "North-west" skins, being those of seals taken at sea, and belonging, under the contention held in the United States Case, solely to the same "herd" as those derived from the Priblyoff Islands, are quoted by the same witnesses at about half the price of the latter.

CHARACTER OF DIFFERENCES OF SKINS ADDUCED IN THE UNITED STATES CASE ON THE EVIDENCE OF FURRIERS.

United States Case, pp. 94, 95.

The evidence actually adduced in the Case of the United States on this particular matter, and in support of the

* In the trade, the skins of fur-seals derived from the North Pacific region are divided under the names of "Alaskas," "Coppers," and "North-west Catch;" such names respectively implying that the skins come from the Pribyloff or Commander Islands, or are taken at sea, as the case may be.

general contention as to the essential difference between the Pribyloff and Commander Island "herds," may be summarized as follows:

Mr. W. E. Martin, who is first quoted, and is most definite as to the differences in the skins, says that there are marked differences between the Copper (Commander) Island catch and that from the Pribyloff Islands. He enumerates these, and adds that they are such as to enable—

any one experienced in handling skins to distinguish the one from the other; United States Case, Appendix, vol. ii, p. 569.

and—

that before the skins are dressed the two may be readily distinguished from each other.

123 *Mr. G. Rice* says that the differences are— United States Case, Appendix, vol. ii, p. 573.

such as to enable any person skilled in the business

to distinguish them; but adds—

The manner in which the skins are distinguished is difficult to describe to any person not accustomed to handling skins.

He further only professes to distinguish the skins—

in the raw state.

Alfred Fraser, though referred to in this connection, professes only to be able to distinguish North-west catch from "Copper" and Pribyloff catch collectively. He does so by means of the shot and spear marks found in the skins of the seals taken at sea. Ibid., p. 557.

H. S. Bevington holds that the difference is such as to enable anyone skilled in the business to distinguish the skins, "especially in bulk." He further adds, however, that the skins reach the market in separate lots, and are not found mingled. He admits that the difference is— Ibid., pp. 551, 552.

difficult to describe to a person unaccustomed to handle skins.

W. C. B. Stamp says that the differences are— Ibid., p. 575.

difficult to describe so that they can be understood by any person who has no practical knowledge of furs.

E. Teichmann says that he could easily separate the Commander Island and Pribyloff Island skins, but that as a matter of fact they are not mingled. In the case of very young animals, however, the differences are not well marked. Ibid., pp. 580, 581.

ACTUAL METHODS OF DISTINCTION RELIED ON ARE CONTRADICTORY

Several of the gentlemen quoted in this connection, and whose evidence is given at length in the Appendix to the United States Case, offer no explanation of the grounds upon which they rest in distinguishing the skins derived from the Pribyloff and Commander Islands respectively, while those who do, appear to rely chiefly upon the colour. But great differences of opinion occur in respect to this.

SEALERS DIFFER AMONG THEMSELVES.

Ibid., pp. 569, 552, 571, 521, 508, 519, and 586.

Thus, W. E. Martin states that the hair on the Commander Island skins has a *yellower tinge;* H. S. Bevington and H. Poland, that these skins are *lighter in colour;* while, on the other hand, C. W. Price states that *both fur and hair are darker;* G. Bantle, that the *under wool is darker;* J. J. Phelan, that the *hair is darker;* and E. Teichmann, that the *top hair is darker.*

Again, Messrs. C. W. Martin, J. J. Phelan, G. 124 Leibes, H. S. Bevington, H. Poland, and E. Teichmann state that the fur in the Commander Island skins is *shorter;* some, however, making the statement general, and others confining it to particular parts of the skin; while Sneigeroff, the native foreman in charge of the Behring Island rookeries (who has also had experience in the Pribyloff Islands), states that both the hair and fur of the Commander Island seals is *longer.*

FURTHER EVIDENCE ADDUCED IN THIS COUNTER-CASE.

Apparently the only general points of difference, in which all the witnesses who mention them practically agree, is that the Commander Island skins, as received, are narrower toward the neck and flank, and have been on the average smaller than those from the Pribyloff Islands.

A list of all the leading buyers of seal-skins in the world is given in the United States Case, Appendix II, p. 566. There are thirty-nine in number. Of these, as many as possible have been seen, and thirty have actually been interviewed, and their opinions have especially been requested on the subject of the alleged differences between skins from the Commander Islands and from the Pribyloff Islands, with the result that they are unanimous in saying that the only differences which exist are that the fur of the Pribyloff skin grows somewhat closer or denser, that the sizes of Pribyloff consignments run a little larger, and that the flaying and curing in their case is better performed; that these are the distinctions which produce the difference of price; that, concerning the other alleged variations: as to colour, they have noticed that Coppers were lighter on the average, but that Alaskas have been at times the lighter; that as to shape of skin and the length of fur, they either deny any difference or say it is too trivial for notice.

Appendix, vol. ii, pp. 230–253.

DIFFERENCES SO SLIGHT THAT SKINS FROM COMMANDER AND PRIBYLOFF ISLANDS NOT SEPARATELY CATALOGUED TILL 1887.

It is also a noteworthy circumstance that Messrs. Lampson and Co., who, as London agents of the lessees of both the Pribyloff and Commander Islands, dispose of all seal-skins taken on both groups of islands, up to the year 1887 made no distinction in sale catalogues between Pribyloff Island and Commander Island skins. In that year, for the first time, the words "Alaska" and "Coppers" were printed

on the catalogues, and since that time also a separate catalogue is produced by Messrs. Lampson for each description. Prior to that date, in March each year, "Alaskas" and "Coppers" were sold in the same catalogues without any distinction being made on the face of the catalogues.

125 OPINIONS OF PELAGIC SEALERS.

The testimony of the more experienced sealers, who have hunted on both sides of the North Pacific, is also generally to the effect that the seals and seal-skins are undistinguishable; while, when any difference is referred to, it is in regard to depth of colour of fur only; some claiming that seals on the Asiatic side are darker, while others say lighter, than those on the American side. Such differences met with in individual catches might very well depend on the different seasons of the year in which these were made.

Appendix, vol. ii, pp. 35–38.

CAUSES ASSIGNED FOR DIFFERENCES OF SKINS.

Sneigeroff, already quoted, attributed the differences which he has noted solely to the longer residence ashore of the Pribyloff seals, and added that the seals of Robben Island, in Okhotsk Sea, have even longer hair and wool than those of the Commander Islands.

British Commissioners' Report, para. 455.

That the Alaska Commercial Company, which, for many years, was the lessee of both the Commander and Pribyloff Islands, believed the lower prices obtained for the skins from the former was due to inferior methods of treatment, is shown by the fact that they at one time sent their most experienced foreman (Webster) from the Pribyloff to the Commander Islands to improve the method of handling the skins there.

INDEFINITE AND NOVEL OPINIONS AS TO SEPARATION OF SEALS OF TWO SIDES OF PACIFIC, RELIED ON IN UNITED STATES CASE.

The passages in the United States Case above noted, are all those which profess to give direct evidence, based on differences in character of the skins, as to the alleged complete distinctness of the seals resorting for breeding purposes to the Commander and Pribyloff Islands respectively. The *opinions* of a number of persons are subsequently quoted, but on referring to these, as given in the Appendix to the United States Case, it will be found that such opinions are not the result of any personal investigation of the actual facts, and are, indeed, chiefly based on the different market values quoted for the two classes of skins, a circumstance which has just been explained.

It will further be noted that all the opinions in question have appeared for the first time in connection with the present Case, and date from a very late period in the discussion of the Behring Sea question, being subsequent to the assertion of a claim to a right of property in seals; and that no such separation of the fur-seals frequenting the two sides of the North Pacific has heretofore been asserted.

126 PREVIOUSLY PUBLISHED OPINIONS OF UNITED STATES AUTHORS AND OFFICIALS ON INTERMINGLING OF NORTH PACIFIC SEALS.

As against the opinions thus now advanced in the United States Case, some examples of published statements on the same subject, derived from official documents of the United States, and showing a belief in the intermingling of seals from the two groups of islands, are here given.

Such interchange of seals between the various breeding-places may be supposed to occur in two ways: first, in correspondence with natural and casual events, such as winds, currents, and the pursuit of food fishes; second, in consequence of the disturbance of the breeding-places by man. On the latter point, Scammon, in his well-known work (p. 152), sums up the result of his observations as follows:

CAPTAIN SCAMMON.

Scammon's "Marine Mammalia," p. 152.

> We may add, likewise, from our own observation, and as the expressed opinion of several experienced sealing masters, that their [the seals'] natural migrations extend over a great expanse of ocean; and if they are unduly disturbed in their favourite haunts for several successive seasons, they are quite sure to seek some distant and unknown place where they can congregate unmolested by man.

British Commissioners' Report, paras. 422, 423.

Strictly in accordance with the statement made by Captain Scammon is the fact, alluded to in the Report of the British Commissioners, that, as a result of the excessive slaughter and disturbance occurring on the Pribyloff Islands at the time of their cession to the United States, unprecedented numbers of seals were found frequenting the shores and inlets of the coast of British Columbia.

Dall's Alaska, p. 496.

A further reference, with the same meaning, is found in the following passage from Dr. Dall's work on Alaska:

> The number of the seal had greatly increased up to 1868, but in that year not less than 50,000 were killed on St. George's, and 150,000 on St. Paul's, by the traders. At this rate they would soon be exterminated or driven to the Kurile or Commander Islands.

MR. ELLIOTT.

Census Report, p. 69.

Mr. Elliott, in his Report, after asking a question as to the possible accessions of seals to the Commander from the Pribyloff Islands, replies to his own interrogation as follows:

> Certainly, if the ground on either Bering or Copper Island, in the Commander group, is as well suited for the wants of the breeding fur-seal as is that exhibited by the Pribilov Islands, then I say
> 127 confidently that we may at any time note a diminution here, and find a corresponding augmentation there; for I have clearly shown, in my chapter on the habits of these animals, that they are not so particularly attached to the respective places of their birth, but that they rather land with an instinctive appreciation of the fitness of that ground as a whole.

44th Cong., 1st Sess., H. R., Ex. Doc. No. 83, pp. 265 *et seq.*

The same writer, in his "Report on the Condition of Affairs in Alaska," 1875, under the heading "Thoughts upon possible Movements of the Fur-seals in the Future,"

treats the subject at some length, reaching very similar conclusions, and adding:

It is not unlikely that some season may occur when an immense number of the fur-seals which have lived during the last four or five years on the Pribilov Islands should be deflected from their usual feeding-range by the shifting of schools of fish, &c., so as to bring them around quite close to the Asiatic seal-grounds in the spring, and the scent from these rookeries would act as a powerful stimulant for them to land there, where conditions for their breeding may be as favourable as desired by them.

MR. MILLER.

In a Report on an investigation on the Alaska Commercial Company by a Committee of Congress, dated 1876, Mr. J. F. Miller, President of the Company, says that the seals upon the Pribyloff Islands—

maintain just about the natural increase very regularly; they do not seem to migrate. 44th Cong., 1st Sess., H. R. Report 623, p. 45.

But in reply to a further question as to whether they were not supposed at a former period to have been driven from the Pribyloff Islands to the Commander Islands, adds:

They no doubt were at one time. Some of them went over there, and where the others went we do not know, because they do increase upon the Russian islands; so history shows.

MR. BUYNITZKY.

In a Congressional Report on the "Fur-seal Fisheries of Alaska," dated 1889, Mr. S. M. Buynitzky, Government Agent on the Pribyloff Islands, gives the following evidence:

Q. What, in your judgment, from your experience of that business in these islands, would be the effect of opening up the business, that is, removing the restrictions, so that everybody could go in there and kill fur-seals?—A. The probable effect would be to drive the seals from these islands to the Russian group. 50th Cong., 2nd Sess., H. R. Report 3883, p. 15.

128 Q. That is, driving them from the American islands over to the Russian islands?—A. That is the most probable effect. That was conceded at the time by all who studied the question. Secretary Boutwell knew that very well.

MR. TINGLE.

Mr. Geo. R. Tingle, long connected with the Pribyloff Islands in different capacities, also said before the same Committee: 50th Cong., 2nd Sess., H. R. Report 3883, p. 164.

Q. What will be the effect if more stringent measures are not taken to protect the seals by the Government?—A. If more stringent measures are not taken, it is only a question of time when these seals will be driven ultimately to seek some other home where they will not be molested. They will not continue to be harassed; and if this marauding is continued, they will, in my opinion, either be gradually exterminated or will leave the islands permanently and land at some other place. They may go on the Russian side.

MR. WILLIAMS.

In the same Report Mr. C. A. Williams, one of the Directors of the Alaska Commercial Company, makes the following statements, which, though now known not to be entirely

correct in so far as they appear to relate to the *originatio-* of rookeries on the Commander Islands, are worthy of quotation:

Ibid., pp. 77, 78.

It was supposed at that time [early in the Russian régime] that the commencement of seal life on the Islands of Bering and Copper probably took place by reason of the indiscriminate killing on those islands, [Pribyloff] diverting the seal from their usual haunts and making them seek some other localities.

Q. Was there a large number of seals which left the Pribilov group and went over to the Russian Islands?—A. You could hardly expect them to go in a body. There had hardly been sealing or seal life to any extent on the Commander Islands or Copper and Bering. It had not attracted the attention of the Russians, but after the indiscriminate killing on the Islands of St. Paul and St. George, it was noticed that seal-life increased rapidly on the other islands, and the supposition is a natural one that they were diverted from the islands on which they had heretofore been undisturbed and sought other places.

United States Case, Appendix, vol. ii, pp. 537, 544.

The statements made by Mr. Williams to the Congressional Committee of 1888 differ very widely from that made in his deposition of the 2nd April, 1892.

In this latter he says:

There is no intermingling of the herds, and the skins of the two herds of the Pribilof and Commander Islands may be so readily
129 distinguished from each other that an expert would have no difficulty in at once throwing out from the catch taken on the Commander Islands any skins of the Pribilof herd, and *vice versâ;* deponent understands from persons who have had long experience in the examination of the living animals that the two herds so differ as to belong to separate species of the same genus, and can readily be distinguished from each other.

THE ABOVE SHOW A PRIMÂ FACIE PROBABILITY OF INTERMINGLING.

Thus, the opinions previously published by those who have given the greatest amount of attention to the habits of the fur-seal of the North Pacific, are sufficient to show that there is a general agreement in respect to the *primâ facie* probability of interchange and migration of seals between the principal breeding-places.

THE RELATIVE PROPORTION OF SEALS FOUND ON EACH OF THE PRIBYLOFFS VARY.

The known fact that the relative proportions of seals found on St. Paul and St. George Islands of the Pribyloff group vary from year to year, is interesting as showing that the animals are by no means averse to change their breeding places in accordance with circumstances.

It is now generally admitted that the same seals do not return necessarily or even usually to the same breeding-ground year after year. Mr. Elliott quotes an experiment made by the Russians, in which 100 young males were marked at one locality on St. Paul Island. Next year some of the seals so marked were included in the catch from "every part of the island." In 1870, again, a similar experi-

ment was made on the same island, and, respecting the 100 seals then marked, it is said:

EXPERIMENTAL PROOF OF INTERMINGLING ADDUCED.

Of this number, during the summer of 1872, when I was there, the natives found in their driving of 75,000 seals from the different hauling-grounds of St. Paul up to the village killing-grounds, two on Novastoshnah rookery, 10 miles north of Lukannon [the point at which the seals had been marked], and two or three from English Bay and Tolstoi rookeries, 6 miles west by water; one or two were taken on St. George Island, 36 miles to the south-east, and not one from Lukannon was found among those that were driven up from there. Census Report p. 31.

The same, or a very similar, experiment is referred to by Captain Bryant.

In the Congressional Report on the fur-seal fisheries of Alaska, Dr. H. H. McIntyre likewise states that—

The seals are found indiscriminately on the two islands; that is, seals born on St. George are found on St. Paul, and *vice versâ*. 50th Cong., 2nd Sess., H. R. Report 3883, p. 128.

130 Apart from such definite experiments, and over wider areas where, so far, such experiments have not been possible, information as to changes in the resort of seals as between one and another of the various breeding-islands in the North Pacific, must depend largely upon the opinions of those who have had occasion to study the habits of the seal, and upon the general facts which such persons have noted.

After detailing the above experiments, Mr. Elliott says:

These experiments would tend to prove very cogently and conclusively, that when the seals approach the islands in the spring, they have nothing in their minds but a general instinctive appreciation of the fitness of the land, as a whole; and no special fondness or determination to select any one particular spot, not even the place of their birth. United States Census Report, p. 31. See also 44th Cong., 1st Sess., H. R. Report No. 623, pp. 82, 83.

He then proceeds to point out that the smell of the rookery-grounds constitutes probably the chief incentive to landing.

THE EVIDENCE OF FUR-DEALERS CONCLUSIVELY PROVES INTERMINGLING OF SEALS OF BOTH SIDES OF THE PACIFIC.

The evidence of the fur merchants already referred to, is also of considerable importance in this connection, and goes far to demonstrate beyond doubt that there is both intermingling and interbreeding between the seals frequenting the Pribyloff Islands and those frequenting the Commander Islands, as the following extract will show. William C. B. Stamp, the head of a fur house established seventy years, and a man with thirty years' experience in the fur-seal business, states as follows:

In my opinion there is no absolute line of demarcation between the Copper Island skins and Alaskas, and in inspecting the consignments made each year from the Pribyloff Islands through Messrs. Lampson and Co., I have found a certain percentage of skins, which were fac-similes of Copper Island skins, and in the same way in inspecting consignments of Copper Island skins, I have seen skins which, had I seen them elsewhere, I should have classed as Alaskas, and also a certain number of the intermediate degrees of similarity. Appendix, vol. ii, p. 245.

This evidence is corroborated by twenty-nine of the principal dealers in fur of the world; and one of them, Mr. Henry Poland, who, besides being a member of a fur house established 108 years, is a naturalist, and the author of a work on "Fur-bearing Animals," makes the following statement:

Ibid., p. 250.

131 That in the differences I have observed between the Alaska and Copper Island seals, there are not the slightest grounds which would lead one to infer that they were a distinct species, the variations of climate, food, &c., would be, in my opinion, sufficient to account for the differences I have mentioned.

In saying this, I speak from the point of view of a naturalist as well as from that of a merchant, and I am of opinion that the seals from the Pribyloff Islands must often migrate to the Commander Islands, and *vice versâ*. A seal would soon lose the differences in the changed surroundings.

AND EVEN INDICATES ITS AMOUNT.

Nine of the fur merchants give estimates of the number of seals of each class found among consignments of the other class, and state that this amount varies from 20 to 40 per cent.

Thus, the existence of a slight average difference recognized by fur-dealers in their classification of skins, may be employed as the means of showing the existence, and to a certain extent even the amount, of the intermingling. It is, moreover, quite in accordance with the known facts of geographical distribution to find, in different portions of the range of the same animal, a preponderance of individuals tending toward some difference in size, colour, or other characters, which do not become absolutely peculiar to the district, or constant, unless in the event of the creation of some impassable barrier.

"Island Life," Wallace, 1890, pp. 58, 60.

PROFESSOR ALLEN BASES ARGUMENT IN SUPPORT OF UNITED STATES CONTENTIONS ON EVIDENCE OF FUR-DEALERS.

In further support of the theory now endeavoured to be upheld by the United States, according to which there are entirely distinct seal "herds" resorting respectively to the Pribyloff and Commander Islands, and never commingling to the slightest extent, Professor J. A. Allen (as already mentioned) is also brought forward. In his Report specially prepared in support of the Case of the United States, he writes:

United States Case, Appendix, vol. i, p. 406.

As yet, expert naturalists have been unable to make a direct comparison of the two animals [*i. e.*, the fur-seals resorting to the two groups of islands], but the differences alleged by furriers as distinguishing the representatives of the two herds point to their being separable as sub-species, in other words, as well-marked geographic phases, and thus necessarily distinct in habitat and migration.

Professor Allen does not speak from personal knowledge, even of the kind possible from the examinations of salted skins, but is guided by the commercial classification of the skins by furriers, of which the nature and scope has already been pointed out. He has not expressed any similar

132 opinion in previous scientific writings on the fur-seal and its congeners. On this occasion, however (and it is this passage which is incorporated with the Case of the United States), he writes further as follows:

The Commander Islands herd is evidently distinct and separate from the Pribilof Islands herd. To suppose that the two herds mingle, and that the same animal may at one time be a member of one herd and at another time of the other, is contrary to what is known of the habits of migrating animals in general United States Case, p. 96.

HE ENDEAVOURS TO SUPPORT THIS BY AN APPEAL TO GENERAL PROPOSITIONS, BUT DOES NOT CONSISTENTLY APPLY THESE IN OTHER CASES.

It would thus appear that Professor Allen endeavours to reinforce arguments derived from the trade classification of skins by an appeal to a certain so-called established principle of Natural History. But elsewhere in the previous scientific writings of the same author, ample evidence is found that the principles which he seeks now to apply so rigorously to the fur-seal of the North Pacific, did not prevent him from supposing that this animal frequented the coast of California for breeding purposes, as well as the Pribyloff Islands. In like manner he does not seek, even in the special article annexed to the Case of the United States, to prove that the walrus, the harbour-seal, or the sea-lion frequenting opposite sides of Behring Sea do not intermingle; nor does the application of any such principle lead him to deny that Steller's sea-lion equally resorts to Behring Sea and the coast of California, there overlapping the range of a totally distinct species of sea-lion; and breeding in both places, as well as on intermediate stations of a suitable character. This is, however, a well-known fact, which may be verified by reference to Allen's Monograph.

THE UNITED STATES COMMISSIONERS LIKEWISE ADDUCE THEORETICAL ARGUMENTS, NOT THE RESULT OF PERSONAL OBSERVATIONS.

The United States Commissioners are also referred to on this point in the Case of the United States. They write: Ibid., p. 96.

The fur-seals of the Pribilof Islands do not mix with those of the Commander and Kurile Islands at any time of the year. In summer the two herds remain entirely distinct, separated by a water interval of several hundred miles; and in their winter migrations those from the Pribilof Islands follow the American coast in a south-easterly direction, while those from the Commander and Kurile Islands follow the Siberian and Japan coasts in a south-westerly direction, the two herds being separated in winter by a water interval of several thou-
133 sand miles. This regularity in the movements of the different herds is in obedience to the well-known law that *migratory animals follow definite routes in migration, and return year after year to the same place to breed.** Were it not for this law there would be no such thing as stability of species, for interbreeding and existence under diverse physiographic conditions would destroy all specific characters. Ibid., pp. 323, 324.

* The *italics* are in the original.

The Commissioners then again refer for proof to the trade differences made in classing and selling the skins.

It will be noticed that in this case, as in that of Professor Allen, no personal knowledge is claimed, and it is indeed known that the United States Commissioners never visited the Commander Islands. Neither are any authorities quoted, with the exception of the general allusion above made to the furriers' classification of skins. The whole statement is, in fact, a mere assertion, which it is endeavoured to support by reference chiefly to a "well-known law" of natural history.

CHARACTER OF A "LAW" OF NATURAL HISTORY.

The "laws" of natural history in reality embody merely the purport of the majority of the facts observed. Further observations may result in the essential modification of such laws, which, while it is admissible to refer to them by way of analogy, cannot be employed as destructive of observations of fact. The existence of some recognized difference between the seals frequenting the two sides of the North Pacific might be such as to justify a reference to the law here spoken of by way of explanation. But it may be pointed out that there is here no difference of a specific kind requiring explanation, nor even any proven constant varietal differences; and that the very absence of such specific difference, in accordance with the law invoked, goes far in itself to prove that intermingling and interbreeding has been at least sufficiently constant to prevent any such specific diversity from arising. In other words, the natural consequences resulting from separation are not observed.

Absence of specific difference shows intermingling.

CHARACTER OF LOCAL DIFFERENCES FOUND IN ALL ANIMALS.

"Island Life," Wallace, 1890, p. 60.
"Animal Coloration," Beddard, 1892, pp. 19, 42, 48.

The local differences in animals of the same kind occur in consequence of diversity in climate, food, and the environment generally, is well known; and this has already been shown to be the case in the matter particularly of the skins of certain fur-bearing animals. Such changes, moreover, often result in a short time, even in the life time of an individual or during a single change of coat; but that in ordinary cases they can be depended on as a means
134 of distinguishing animals belonging to localities which are not only separated by no impassable barriers, but are situated within an area of which all parts are equally favourable to its existence, is entirely denied.

The highly technical character of the arguments used by the principal authorities quoted in support of the contention of the United States as to the rigid separation of the seals frequenting the Pribyloff and Commander Islands respectively into two "herds," would necessitate, for their discussion in detail, a reference to so many authorities, and to so large a body of literature, as to render such discussion quite inappropriate in this Counter-Case. They

appeal to such laws as those of the distribution of allied species in separate areas, and those of animal migration, rather than to the facts in respect to the fur-seals which are here more directly in point.

FUR-SEALS OF THE NORTH PACIFIC ORIGINALLY FROM A COMMON SOURCE.

It is, however, perfectly obvious, under any hypothesis, that the fur-seals of the two groups of islands (between which it is now attempted to draw what, it is submitted, is a purely arbitrary line) must originally have reached these islands either from some common source or by traversing the waters between the islands themselves. It is not alleged in the Case of the United States that they were separately created on the several islands. There is at the present time no barrier whatever, either of land, or such as might arise from the temperature of the water or of the air, to render it difficult for seals from one of these groups of islands to reach the other group; but, on the contrary, all the circumstances are such as to afford the greatest facility for such intercommunication by marine animals. There is therefore no assignable reason, either of a practical or a theoretical kind, why such intercommunication as *must* at one time have existed should have ceased to-day.

No reason can be assigned for interruption of communication.

EVIDENCE QUOTED IN THE CASE OF THE UNITED STATES IS ALONE SUFFICIENT TO SHOW THAT INTERMINGLING MUST OCCUR.

But it is unnecessary to rely upon abstract principles, or on the more or less valid deductions from these, to which an appeal is chiefly made on the point here under discussion in the Case of the United States. It is of course quite impossible to follow out the courses of individual seals at sea; but in addition to the opinions quoted on a previous page, from persons more or less familiar with seal life in the North Pacific, a considerable body of evi-
135 dence respecting the actual distribution of the fur-seal at sea has now been collected.

Thus even in the case of the United States, it is stated only that "between parallels [*sic*] 174° west and 175° east seals are *seldom* seen"; or, in other words, that seals are seldom seen in the vicinity of a middle part of the length of the Aleutian chain, about 420 miles in length. Taking into consideration the pelagic habits of the seal, the vast extent of its range throughout the Pacific, and the fact that it often wanders far in pursuit of food fishes while at sea, the statement thus made, even if established, would only go a very small way towards proving the absence of intermingling in this particular region. As a matter of fact, the statement is erroneous.

United States Case, p. 97.

Ibid., Appendix, vol. i, p. 406.

In the evidence quoted by the United States on this point, it is elsewhere shown that seals which are *supposed* to belong to the Commander Islands have been noticed in

the same region to a point 30 miles east of the Semichi Islands, in the Aleutian chain; while others, *supposed* to belong to the Pribyloff Islands have been similarly observed at Amchitka Island, the distance intervening being only about 140 miles, which, in the case of an animal constituted as the seal is, may be regarded as practically obliterating the gap in distribution upon which it is endeavoured to insist in the Case of the United States.

Ibid., Appendix, vol. ii, p. 215.

NEGATIVE EVIDENCE PROVES NOTHING.

United States Case, pp. 96, 97, and Appendix, vol. ii.

Most of the evidence quoted in the United States Case on this subject is purely negative in character, being to the effect that certain individuals did not see fur-seals when making voyages along the Aleutian Islands, or between San Francisco and Unalaska. As the witnesses cited were not looking for seals, and are therefore scarcely likely to have observed or noted them unless in large numbers, their evidence can be considered as of but little real value, though some of the seamen express the *opinion* that the seals from the two sides of the Pacific do not mingle.

United States Case, Appendix, vol. ii, pp. 205, 207, 210.

The evidence of some natives is also offered, but it will be found on examination to be of a vague and indefinite character, and when the language in which the declarations are expressed is scrutinized, it is difficult to believe that they are a correct reproduction of the expressions used.

STATEMENTS BY THE BRITISH COMMISSIONERS FROM INVESTIGATIONS IN 1891.

136 A discussion of the ascertained facts relating to the distribution of the fur seal at sea, and on the commingling of those of the two sides of the North Pacific, will be found in the Report of the British Commissioners, who personally investigated these matters by cruizing along the whole chain of the Aleutian Islands and visiting the Commander Islands.

British Commissioners' Report, paras. 209–223, 451, 457.

The result of their inquiries is shown in the Maps accompanying their Report, and they write:

Ibid., Diagrams Nos. II, III, and IV.

> Ibid., para. 27. The comparative proximity of the breeding-islands frequented by the seals pertaining to these two migration tracts during the summer insures a certain interrelation and interchange of seals between the two groups, to an extent not fully known, and which doubtless varies much in different years.

While expressing themselves as unable to observe any general difference as between the appearance of the seals seen by them on the two groups of breeding-islands, they quote evidence to show that some such slight difference, whatever its cause, probably does exist, and add:

> Ibid., para. 456. The amount of interconnection between the two groups is doubtless, however, sufficient to prevent any very striking or permanent peculiarities, even of a varietal rank, to grow up.

In conclusion, the Commissioners write:

> Ibid., Diagram No. V. Some evidence not without importance in this connection is afforded by a comparison of the diagrams elsewhere given, and representing the number of seals killed each year on the two groups of islands.

Though affected by other causes as well, this number may be taken in a very general way as a record of the state of the rookeries as a whole, and the correspondence of the lines in the two diagrams is thus significant of connection or of cooperating causes.

CONCLUSIVE LOCAL EVIDENCE SINCE OBTAINED.

Since the date of the Report of the British Commissioners, information obtained from pelagic sealers and seamen engaged in navigating in various parts of the North Pacific has resulted in the accumulation of an overwhelming amount of evidence supporting the position that no constant separation exists between the seals frequenting the two sides of this ocean.

INTERMINGLING BOTH TO THE NORTH AND SOUTH OF THE ALEUTIAN ISLANDS.

Many of the sealing-vessels, within the last few years, have sailed through Behring Sea from the vicinity of the Pribyloff Islands to that of the Commander Islands, on the Asiatic side, during the summer months. Their evi-
137 dence is, that on such voyages seals have been observed on every fine day during the passage. It would be inappropriate to include these statements at length in this place, and reference is therefore made to the Appendix, where the statements of no less than 57 hunters and seamen will be found who give evidence upon the point. Appendix, vol. ii, pp. 23–27.

Further, during the summer, and generally in July, a certain number of sealers have crossed from the American to the Asiatic side, to the southward of the Aleutian chain, particularly in 1892, when the *modus vivendi* then in force deterred sealers from sailing through Behring Sea. Similar observations proving the presence of seals in all longitudes to the south of the Aleutian Islands are recorded by a number of these men, whose evidence will also be found in the Appendix. Reference may also be made to the log of the "Triumph" in this connection, where the seals actually killed each day on the way westward are noted. Ibid., pp. 27, 28. Ibid., p. 208.

Many of the sealers who have frequented the Asiatic side of the Pacific, and particularly the region in the vicinity and to the south of the Commander Islands, returned in the autumn to the eastward, shaping a course parallel to, but south of, the Aleutian Islands, while others made a direct course to Victoria or to San Francisco. These witnesses also state that seals were seen by them all the way across the ocean on each of the above courses. Their evidence will be found in the Appendix. Ibid., pp. 27–29.

INTERMINGLING IN SOUTHERN LATITUDES.

Information has further been obtained showing that during the winter months, in the latitude of the Sandwich Islands, fur-seals are found very widely distributed in the Pacific. This would appear to indicate that, at this sea-

son, a considerable number of the fur-seals congregate in the vicinity of banks and islands in that central part of the Pacific, in addition to the greater numbers found during the same season along the British Columbian and Japanese coasts. In respect to these seals it is impossible to say whether they principally resort to Pribyloff, Commander, Kurile, or Robben Islands during the season of procreation.

Ibid., pp. 25–27. The evidence on this point will be found in the Appendix.

Ibid., p. 128. A few degrees north of the latitude just referred to seals were seen by Warren F. Upson, who says:

138 I have crossed from San Francisco to Yokohama many times, and have taken many different courses. In courses made from 35° to 45° have seen seals off and on every day all the way across in January, February, and March.

Appendix, vol. ii, p. 128. Captain Adolphe Carlson states that he crossed from Yokohama to San Francisco in the mail-steamer "Gallic," making a course 45° north, and saw seals more or less every day in the month of January. He returned in the beginning of February on a course about 36° north, and again saw seals almost daily during the voyage.

Ibid., vol. i, p. 136. Mr. J. M. Macoun, while in Victoria in June 1892, was shown a chart on which was marked the track of the sealing-schooner "Mary Taylor," which had been sent to look for fur-seals north of the Sandwich Islands. Her captain reported that in November and December 1891, he had seen seals for six weeks between latitude 30° and 40° north, and in about the longitude of the Sandwich Islands, but that the weather had been too rough to permit of a boat being lowered.

Ibid., vol. ii, p. 112. Captain William Grant, quoting from his diary, says that on the 3rd December, 1890, when on the steam-ship "Parthia," in latitude 42° 29′ north, longitude 157° 35′ east, large schools of seals were for several hours seen from the ship. They were heading for the south. When captain of the barque "George" he had on three different trips seen seals at about the same place.

Ibid., p. 214. Captain Marshall, of the mail steam-ship "Empress of India," in voyages between Yokohama and Vancouver, reports having seen great numbers of fur-seals in latitude 40° 41′ north, longitude 143° to 145° west, on the 18th April, 1892; and again on the 19th and 20th May in the same year, between latitudes 38° and 46° north and longitudes 146° and 169° east.

INTERMINGLING NEAR BEHRING STRAIT.

Still further, in connection with the subject of intermingling of fur-seals from the two sides of the North Pacific, Mr. A. C. Folger gives the following statement respecting the occasional presence of fur-seals in the vicinity of Behring Strait, in respect to which it is impossible to decide whether they have arrived there from the eastern or western part of Behring Sea. Mr. Folger says:

Ibid., p. 90.

139 I have seen Eskimo wearing clothes made of fur-seal skins when north of Behring Straits when trading there, and I once saw a fur-seal lassoed when north of East Cape; and on the same cruise the captain in my presence shot a fur-seal from the deck

of the vessel, a boat was lowered and the seal was got. The mate also shot them. I don't know where these seals came from, but am sure that they were fur-seals. I have known fur-seals for nearly twenty years.

UNIFORMITY OF MIGRATION ROUTES ONLY TRUE IN A GENERAL WAY.

Of the remaining allegations made in this connection in the case of the United States, and recited at the beginning of this chapter, some are subsidiary to the general contentions dealt with above, while others are treated at greater length in subsequent pages. It may here be added, however, that the statement—

United States Case, p. 296.

that its [the fur-seal's] course when absent from these islands is uniform and confined principally to the waters adjacent to the coast of the United States,

United States Case, Appendix, vol. i, p. 406.

British Commissioners' Report, paras. 26, 209.

Seals influenced by locality of fish food supply.

is one which can only be admitted with considerable modifications. As a general proposition, the uniformity of the migration routes of the fur-seal is not questioned, but the actual routes followed by the seals at sea are largely influenced by the abundance of food-fishes, amongst which the herring appears to be one of the most important, and a reference to any of the published records of herring migrations will show how erratic and apparently inexplicable these often are.

The diversity thus met with is quite in accord with that noticed in the case of migratory animals generally, and particularly in that of marine animals with great powers of locomotion.

WINTER HOME OF THE FUR-SEAL IS ADJACENT TO THE COAST OF BRITISH COLUMBIA.

As to the second part of the above statement, that the course is confined principally to the waters adjacent to the coast of the United States, it must simply be said that it is incorrect. The evidence personally obtained by the British Commissioners, clearly shows that the principal winter habitat or winter home of the fur-seal in the eastern part of the North Pacific, lies off the coast of the Canadian Province of British Columbia, extending beyond it in latitude only for short distances to the north and south.

British Commissioners' Report, paras. 27, 28, 192, and Map No. II.

STATEMENT THAT SEALS IDENTIFIABLE IN WATER TOTALLY UNSUPPORTED.

The further statement incorporated in the "Conclusions" of the Case of the United States, to the effect—

United States Case, p. 296.

that at all times, when in the water, the identity of each individual [fur-seal] can be established with certainty,

is somewhat ambiguous. It would appear, however,
140 to mean that the individuals of the assumed Pribyloff and Commander "herds" of the United States Case may thus be distinguished. If so, the allegation made, in so far as can be discovered in the case of the United States and its appended documents, is unsupported by any evidence.

CONCLUSIONS.

In conclusion, it is submitted that the assertion that the fur-seals resorting to the Commander and Pribyloff Islands form two entirely and rigidly separated "herds" has been shown to be erroneous.

That, on the contrary, the facts ascertained from a large body of testimony establish that the fur-seals which breed upon the islands on both sides of Behring Sea intermingle.

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141 SECTION IV.—*Relation of the fur-seals to the Pribyloff Islands. Summer and Winter Homes.*

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 89—

"The Pribilof Islands are the home of the Alaskan fur-seal (*Callorhinus ursinus*). They are peculiarly adapted by reason of their isolation and climate for seal life, and because of this peculiar adaptability were undoubtedly chosen by the seals for their habitation. The climatic conditions are especially favourable. The seal, while on land, needs a cool, moist, and cloudy climate, sunshine and warmth producing a very injurious effect upon the animals. These requisite phenomena are found at the Pribilof Islands, and nowhere else in Bering Sea or the North Pacific, save at the Commander (Komandorski) Islands."

(2.) United States Case, p. 91—

"The Alaskan seals evidently consider the Pribilof Islands as their home, for while on or about them they are much less timid and fearful than when met with in the sea along the American coast."

(3.) United States Case, p. 123—

"The seals evidently consider these islands their sole home."

(4.) United States Case, p. 127—

"The seals do not enter the inland waters of the coast during their migration."

(5.) United States Case, p. 295—

1. "That the Alaskan fur-seal, begotten, born, and reared on the Pribilof Islands."
2. "That the only home of the Alaskan seal herd is on the Pribilof Islands; that it resorts to no other land."

(6.) United States Case, p. 300—

"First. That, in view of the facts and circumstances established by the evidence, it [the United States Government] has such a property in the Alaskan seal herd as the natural product of the soil, made chiefly available by its protection and expenditure, highly valuable to its people and a considerable source of revenue, as entitles it to preserve the herd from destruction, in the manner complained of, by an employment of such reasonable force as may be necessary."

SUMMARY OF BRITISH REPLY.

It appears from the Case of the United States, that the term "Alaskan fur-seal" is intended to designate all fur-seals found in the eastern part of the North Pacific. While it is admitted that the greater part of these seals are now born upon the Pribyloff Islands, it is shown that seals formerly resorted to various places on the west coast of North America, and elsewhere, for the purpose of bringing forth their young; and that they probably still do so in reduced numbers. The fact of intermingling between the seals of both sides of the North Pacific, likewise shows that not all the seals found in the eastern part of that ocean can have been born on the Pribyloff Islands.

The precise locality in which seals may be begotten appears to be unimportant in connection with any argument respecting property in seals; but it is certain that coition frequently occurs at sea.

It is in consequence of the isolation of the Pribyloffs, their originally uninhabited character, and the consequent freedom from disturbance found there, rather
142 than of any peculiar climatic or physical characters, that these islands have become chief resorts of the fur-seal at the breeding season. Similar climatic and physical features are to be found in many other places in the North Pacific.

The statement that the fur-seals might remain in the vicinity of the Pribyloff Islands throughout the year if the winter were less rigorous, is unimportant; for their stay is admitted, under the actual circumstances, to be impossible.

The expression "home" or "sole home," as applied in the Case of the United States to the Pribyloff Islands, in connection with the fur-seals found in the eastern part of the Pacific, even on the assumption that all are born there, is inadmissible. A migratory animal cannot be said to be "at home," only when in its breeding area. The home of any species is the area over which it habitually lives. Animals may have winter as well as summer homes, as stated by Dr. Merriam and other naturalists.

The principal "winter home" of the fur-seals of the eastern part of the North Pacific, is that part of the sea lying off the coast of British Columbia; and there enormous quantities of food fishes, which would otherwise be available for the support of the inhabitants, are consumed by the seals; which even enter the inner waters along the coast and prey upon the food fishes there.

IT IS ADMITTED THAT THE LARGER NUMBER OF THE FUR-SEALS OF THE EASTERN PART OF THE NORTH PACIFIC RESORT TO THE PRIBYLOFF ISLANDS TO BREED.

Some of the assertions above formulated have already been in part dealt with, being to a certain extent involved in other contentions brought forward in the United States Case in regard to seal life.

It has been shown that the term "Alaskan seal herd," as employed in the Case of the United States, is intended to denote all the fur-seals found in the eastern part of the North Pacific. Most of these seals are doubtless born upon the Pribyloff Islands, and the young remain on and about these islands till such time as their size and strength enables them to permanently assume their natural pelagic habits. After leaving the islands, they appear to remain entirely at sea till at least the middle of July in the next year. In regard to the fur-seals of the Southern Hemisphere the young animals never again come on shore during the first year of their lives, and there is much reason to believe that similar circumstances obtain in the North Pacific. Thus, Bryant says of the young females:

Elliott, Census Report, p. 41.
"Monograph of North American Pinnipeds," p. 387.
Bull. Mus. Comp. Zool., vol. ii, Part I, p. 105.
"Monograph of North American Pinnipeds," p. 386.
United States Case, Appendix, vol. i, pp. 376, 377.

> At this stage they [the female pups] leave the island for the winter, and very few appear to return to the island until they are three years old.

"Monograph of North American Pinnipeds," pp. 401, 402.

In the United States Case many authorities are cited with the object of proving that the birth of the fur-seal at sea is impossible. The British Commissioners report practically in accordance with this view, or to the
143 effect that such birth, if possible, is so infrequent as to be of no practical importance; though the fact that the sea-otter brings forth its young on masses of floating kelp shows it to be not impossible that the fur-seal may at times also do so.

FORMERLY BRED AT OTHER PLACES ALONG NORTH-WEST COAST, AND PROBABLY STILL DO SO.

In regard to the birth of fur-seals at other places alon the American coast besides the Pribyloff Islands, the British Commissioners, however, write as follows:

> It is evident that many years ago a considerable number of fur-seals bred in various places along the western coast of North America. . . . . The traditions of the Indians of the coast of British Colum-

British Commissioners' Report, para. 447.

bia, particularly those relating to Race Rocks and Smith's Island, appear to have the same meaning. Judge J. G. Swan has also collected much evidence to the same effect, with particular reference to the vicinity of Cape Flattery, which may be found detailed in the "Fisheries Industries of the United States" (vol. ii, p. 393), and in the "Bulletin of the United States Fish Commission" (vol. iii, p. 201). Some of his observations we have been unable to confirm, but the statements since obtained from Mr. J. W. Mackay go far to prove that, in still earlier years than those referred to by Judge Swan, a certain number of seals regularly occupied certain breeding-places in the vicinity of the Straits of Fuca.

Vancouver Island, Pilot Supplement, 1883, p. 123.

Much evidence to the same effect is contained in the Report of the British Commissioners; and it may here also be noted, that many fur-seals were actually observed upon the Seal Rocks in Portland Canal, by the naval officers engaged in surveying there, in August 1868.

FUR-SEALS RESORTING TO HAYSTACK ISLANDS.

Mr. Mackay, above cited, states that it is probable that a few individuals still breed on the Haystack Islands, off Vancouver Island.

Appendix, vol. i, pp. 135, 136.

The Haystack Islands, together with other outlying islands to the north of Vancouver Island, were specially visited by Mr. Macoun in May, 1892, and though the date was too early in the season to enable it to be determined whether fur-seals were actually breeding there, a considerable number of these animals was found frequenting the shores. The facts observed by Mr. Macoun will be found stated in his Report.

British Commissioners' Report, para. 449.

It is further pointed out by the British Commissioners that, even apart from the ascertained facts—

> it would be admissible to predicate the occasional birth of young along the whole extent of coast frequented by the fur-seal. It is further borne out by the actual existence of breeding rookeries
> 144 situated along or near to the migration route of the fur-seal on the western side of the Pacific, on the Kurile Islands, and on Robben Island.

These facts (particularly when taken in connection with those relating to climate) show that, not only is it unsafe, but in all probability incorrect, to assert that *all* the seals frequenting the eastern part of the Pacific are born on the Pribyloff Islands; and this quite apart from the question of the commingling of seals of the two sides of the Pacific, which has previously been discussed.

OPINION OF JUDGE SWAN AND PROFESSOR ALLEN.

"Monograph of North American Pinnipeds," p. 772.

In regard to this matter, Professor J. A. Allen, in his "Monograph" already cited, quotes Judge J. G. Swan, who has given much attention to subjects connected with the fur-seals. Judge Swan, after recording various observations made by him, writes:

> It seems as preposterous, to my mind, to suppose that all the Fur-Seals of the North Pacific go to the Pribylov Islands, as to suppose that all the salmon go to the Columbia and Fraser's River or to the Yukon.

Commenting on Judge Swan's statements, and additional facts adduced by Professor D. S. Jordan, the well-known ichthyologist, Professor Allen himself writes:

> These observations, aside from the judicious suggestions made by Mr. Swan, are of special interest as confirming those made some years ago by Captain Bryant, and already briefly recorded (*ante*, p. *) in this work. They seem to show that at least a certain number of fur-seals repair to secluded places suited to their needs as far south as the latitude of Cape Flattery, to bring forth their young.

Ibid., p. 773.

Evidence appended to the United States Case is sufficient to show that fur-seals are found in the vicinity of Cape Flattery, not only in the winter and spring, but also in smaller numbers during the greater part of the summer. Nearly all the Makah Indians of Cape Flattery state that seals are observed there till July. Further evidence to the same effect is contained in the Appendix to this Counter-Case, and is such as to show that fur-seals are found to the south of the Aleutian Islands during July, August, and September; while Indians state that they are to be seen off the coast of Vancouver Island all the summer.

United States Case, Appendix, vol. ii, pp. 376–399.

Appendix, vol. ii, pp. 27–29.

145 Some facts showing the resort of fur seals to new places and their attempts to form new rookeries are quoted in the Report of the British Commissioners. Further interesting particulars relating to the establishment of new rookeries have since been obtained. These refer to Mooshir, Rakokai, Shrednoi, and Ketoy Islands of the Kurile Group; Bittern Rocks off the north-west coast of Nipon Island and St. Iona Island, in the Sea of Okhotsk.

British Commissioners' Report, paras. 86–90.

Appendix, vol. ii, pp. 34, 35.

WHERE BEGOTTEN.

The particular locality in which the seals may be begotten, though importance seems to be attached to this in the Case of the United States, does not appear to be one of any special interest in connection with a claim to "property" in seals as such. The statements made on the part of the United States in this matter appear to be prompted by a disinclination to admit that any function necessary to the existence or propagation of the fur-seal species is or can be performed beyond the territorial limits of that Power. It may be sufficient here to say that the views now upheld by Bryant and Allen on this subject, and quoted in the United States Case, are diametrically opposed to those formerly maintained by them; and that a sufficient body of independent evidence has been obtained to show that coition frequently occurs at sea. This circumstance is also quite in accord with what is known of the hair-seals.

United States Case, p. 295.

Coition frequently performed at sea.

British Commissioners' Report, paras. 295–297.

See also Proc. Zool. Soc., 1881, p. 380.

CONCLUSIVE EVIDENCE TO THIS EFFECT.

As this point has been raised in the discussion by the United States, it may be added that, in connection with other facts relating to seal life obtained from pelagic sealers, no less than 36 of these men affirm that they have

Appendix, vol. ii, pp. 33, 34.

* *Sic.*

witnessed the act at sea, and many not only describe the attendant circumstances, but have killed and secured both male and female.

The known period of gestation and dates of birth are, in fact, alone sufficient to show that coition must frequently take place in the water far distant from the Pribyloffs.

CLIMATE AND FORMATION OF THE PRIBYLOFF ISLANDS ARE NOT THE CHIEF REASONS OF RESORT OF SEALS THERE.

British Commissioners' Report, paras. 244-276.

Points connected with the physical characteristics of the breeding-grounds of the fur-seal, and its requirements in this respect, to which prominence is also given in the Case of the United States, have been so fully dealt with, from personal observation, by the British Com-
146 missioners, that it is considered unnecessary here to do more than refer to their Report, and to quote their conclusion, which is in the following words:

Ibid., para. 276.

> As a further result of the examination of the physical characteristics of the rookery grounds, it may be stated that the necessary conditions, and even the most favourable conditions, are by no means confined to the Pribyloff and Commander Islands.

ISOLATION AND QUIET THE CHIEF REASON.

British Commissioners' Report, paras. 31, 247, 248.

The British Commissioners likewise point out very clearly, that the isolation and the uninhabited character of the breeding resorts of the fur-seal, not only in the North Pacific, but generally over the world, are, (by reason of the security and absence from disturbance which they afford), the ruling factors in the selection of such resorts by it. Thus, except in the relative degree of importance attached to such isolation as compared with other circumstances, there is again a substantial agreement between the British Commissioners' Report and the statements made in the Case of the United States in this respect.

SPECIAL PROMINENCE GIVEN TO CLIMATE IN UNITED STATES CASE.

It will be observed, however, that particular importance is in the Case of the United States attached to the climate of the Pribyloff Islands, and that the requisite climatic features are stated to be found in the Pribyloff and Commander Islands only.

Wallace, "Geographical Distribution of Animals," vol. i, pp. 11, 12.

While it is well known that climatic conditions are among the most effective ruling causes of the limitation of range or habitat of all organic forms, whether animals or plants, the known facts are, it is believed, entirely opposed to the statement that other shores, and particularly other insular areas in the northern part of the North Pacific, are not equally well adapted in respect of climate for the residence of the fur-seal during the breeding season.

BUT THIS SHOWN TO BE ERRONEOUS.

United States Case, pp. 89-91.

In view, however, of special prominence given to arguments based on alleged peculiarities of the climate of the

Pribyloff Islands, in the Case of the United States, and Meteorological Tables quoted in support of these arguments, it may be well to show here:

Ibid., Appendix, vol. i, p. 591.

1. That the northern fur-seal is tolerant of very considerable, or even of great, differences of climate in respect to its breeding-places.

2. That a large area of the northern part of the North Pacific, including many islands and long stretches of
147 coast, affords climatic conditions so similar at the breeding season of the seal, as to be for all practical purposes identical, from this point of view.

On this general subject the British Commissioners write:

ALEUTIAN ISLANDS AFFORD SIMILAR CONDITIONS.

The cool and humid summer climate may doubtless in itself have been congenial to the seal, but in this respect, and also in the temperature of the sea surrounding them, well-marked differences occur as between the two groups [Commander and Pribyloff], while almost any of the numerous islands of the Aleutian chain afford surroundings so similar in the matter of climate that they would undoubtedly have afforded suitable breeding-places if similarly uninhabited.

British Commissioners' Report, para. 247. See also paras. 276, 523.

The United States Commissioners also admit that "limited areas" on the Aleutian chain may afford the combination of physical and climatic conditions which they conceive to be necessary for the breeding of the fur-seal. It is believed, however, that these gentlemen speak thus cautiously in the absence of personal knowledge of the Aleutian Islands, whereas the whole length of the chain was inspected by the British Commissioners; and it may further be pointed out that, from the nature of the breeding habits of the seal, even limited areas such as those referred to would be amply sufficient for the accommodation of very large breeding colonies.

United States Case, p. 331.

NEITHER IS THE FUR-SEAL STRICTLY LIMITED BY CONDITION OF CLIMATE.

It must also be remembered that, even at the present time, breeding colonies are known to exist, not only on the Pribyloff and Commander Islands, but also on Robben Island, in the Okhotsk Sea, and on some of the Kurile Islands; and that, therefore, the actual summer temperature and climatic conditions of any of these places must be admitted to be congenial and favourable to the fur-seals at the breeding season.

THE SEALS THUS NOT WHOLLY DEPENDENT ON THE PRIBYLOFF ISLANDS.

The importance of this fact lies chiefly in showing that, with proper protection from disturbance, new colonies may be formed; and that, in the abandonment of one breeding-place by the seals, other and suitable ones may be found and occupied.

A Memorandum and series of Tables relating to the climatic conditions of the places in question have been furnished by Mr. C. Carpmael, Director of the Meteorological Service of Canada, and are printed in the Appendix.

Appendix, vol. i, pp. 157 *et seq.*

These show, in regard to temperature, that during the months May to October, including the period for
148 which the fur-seals resort to the various breeding-islands, the Pribyloff Islands are from 6 to 15 degrees cooler than Robben Island; while the Commander Islands, with the whole of the Aleutian Islands, are intermediate in this respect. The Kurile Islands generally closely resemble Robben Island in temperature.

It is also shown, from observations at Sitka and Port Simpson, that the mean temperature of the whole west coast of America south of the Aleutian Islands, as far as latitude 54° 30′, during the months of July, August, and September, lies between those of the Pribyloff and Robben Islands; while during May, June, and October, it ranges only from 4 to 8 degrees higher than that of Robben Island.

As to the number of cloudy or clear days, and the amount of precipitation and humidity, the available data are very incomplete; but still sufficient to show that the Commander, Pribyloff, and Aleutian Islands, with the west coast of America to the south of these islands, are all notably characterized by cloudy skies and frequent rain; though the actual amount of precipitation is much larger along the continental coast to the south of the Aleutian Islands.

POSITION TAKEN BY PROFESSOR ALLEN AND CITED IN UNITED STATES CASE NOT TENABLE.

In further support of the fact that the fur-seal is tolerant of very considerable diversity of climatic conditions, and in order to show that the point now insisted on by Professor J. A. Allen as to the necessary limitation of the breeding-places of the fur-seals of the eastern side of the North Pacific to the Pribyloff Islands is not well taken, the analogy in this respect of the closely-allied animal, Steller's sea-lion, may be noted. Respecting the fur seal, this writer says, referring to breeding-places of this animal in California:

United States Case, Appendix, vol. i, p. 406.

> Such an assumption is entirely opposed to what is known of the habits and distribution of marine life, and to well-grounded principles of geographic distribution, namely, that a fur-seal breeding on an arctic island, which it annually travels thousands of miles to reach, would also choose for a breeding-station an island in subtropical latitudes.

HE CONTRADICTS IT BY HIS OWN STATEMENTS.

But on another page of the same Annex to the Case of the United States, he gives the habitat of Steller's sea-lion as—

Ibid., p. 372.

> shores and islands of the North Pacific from Bering Strait southward to California and Japan.

149 And writes further as follows:

> Formerly (eighteenth century) abundant along the coast of Kamchatka from the Kurile Islands northward. There is still a small colony at the Farallon Islands, off the coast of California and other considerable colonies at the Pribilof, Commander, and other small islands in Bering Sea. It is also found in greater or less numbers in some of the Aleutian Islands, and at a few points on the Alaskan coast, principally of the Aleutian chain.

ANALOGY OF THE SEA-OTTER.

In the same way, the sea-otter, a fur-bearing animal which is in many respects comparable with the fur-seal, though its habitat has now become comparatively restricted in consequence of persistent hunting, was formerly abundant not only about the Pribyloff Islands, but also as far south as the 28th degree of latitude on the American coast. Scammon, "Marine Mammalia," p 168.

The theory of the restriction of the fur-seal to the Pribyloff Islands as its sole possible breeding-place is, therefore, not in any way supported by the appeal to the "principles of geographic distribution" here made. Professor Allen, indeed, explains that it has now been discovered that the fur-seal of the Californian coast is a different animal from that of the North Pacific; but this in no way affects the fact that many regions about the northern part of that ocean are naturally adapted by climate to become the breeding resorts of the North Pacific fur-seal proper. United States Case, Appendix, vol. i. p. 373.

BREEDING RESORTS AND SOUTHERN FEEDING RESORTS ARE EQUALLY NECESSARY TO THE FUR-SEAL OF THE NORTH-PACIFIC.

After a full examination and discussion of the habits and migrations of the fur-seal, the British Commissioners thus sum up the result of their investigations: British Commissioners' Report, paras. 117–223.

THE SEAL IS MIGRATORY, AND HAS TWO HOMES.

> The fur-seal of the North Pacific may thus be said, in each case [*i. e.*, in the case of the seals frequenting the two sides of the Pacific], to have two habitats or homes between which it migrates, both equally necessary to its existence under present circumstances, the one frequented in summer, the other during the winter. If it were possible to confine the fur-seal to the vicinity of the northern islands resorted to during the breeding season, or even within the limits of Behring Sea, the species would become extinct in a single year; but if, in any way, it were to be debarred from reaching the islands now chiefly resorted to for breeding purposes, it would, according to experience recorded elsewhere, speedily seek out other places upon which to give birth to its young. Ibid., para. 28.

150 The precise meaning of these remarks is very clearly indicated by the map illustrating the resorts and migration-routes of the fur-seals, which is appended to the report cited. A less complete, and, as the evidence collected in the Report of the British Commissioners shows, less accurate migration chart of a part of the North Pacific, is appended to the United States Case. But a reference even to this map will show the substantial accuracy of the statement made by the British Commissioners as to the resort, during nearly six months of the year, of the greater part of the seals of the eastern part of the North Pacific to the waters adjacent to the coasts of British Columbia. British Commissioners' Report, Map No. II. United States Case, Map No. III.

Some importance appears, further, in the Case of the United States, to be attached to a statement which is made in the following terms:

> The seals evidently consider these islands their sole home, and only leave them from being forced so to do. If the climate permitted they would without doubt remain on or in the vicinity of the Pribilof Islands during the entire year. Ibid., p. 123. See also p. 295.

IF CLIMATE PERMITTED, THE SEALS MIGHT NEVER GO VERY FAR FROM THE BREEDING-ISLANDS.

Professor J. A. Allen writes to a similar effect, as follows:

Ibid., Appendix, vol. i, p. 405.

It is evident from what we know of seal life elsewhere, that were the climate sufficiently mild in winter they would undoubtedly pass the whole year at these islands. Owing, however, to the inclemency of the winter months the fur-seals are forced to migrate southward in search of food and a milder climate.

United States Case, p. 324. British Commissioners' Report, paras. 28, 208.

A like opinion as to the cause of migration is also recorded by the United States Commissioners, and the British Commissioners express themselves in a similar manner.

The inquiries of the British Commissioners do not lead to the conclusion that the seals have ever in any considerable numbers remained on or about the islands even in the mildest winters. The table referred to in the United States Case, Appendix II, gives no proof that more than a few stragglers have remained late in the year on the islands.

United States Case, Appendix, vol. ii, p. 114.

As a problem in natural history, it might be of interest to discuss the originating causes of the migratory
151 habit of the North Pacific fur-seals particularly as this habit is very exceptional among mammals, and stands in direct connection with the marine and pelagic nature of the fur-seal; but it is not relevant to the questions here at issue, for, as is stated in the Case of the United States:

United States Case, p. 124.

BUT CLIMATE DOES NOT PERMIT, AND THE FACTS ALONE ARE HERE IN POINT.

The fact exists, however, that the Alaskan seal herd is compelled to migrate.

If the habits of the animal be appealed to, whether in connection with a claim to property right or to appropriate regulations for its preservation, it is the actual habits as these exist, and are imposed by the necessities of the case, that must be considered and dealt with.

THE ASSERTION THAT THE PRIBYLOFF ISLANDS ARE THE "ONLY HOME" OF THE FUR-SEAL IS THUS BASELESS.

The statement made in the Case of the United States to the effect that the Pribyloff Islands constitute the "only home" of the "Alaskan fur-seal" appears to be largely founded on similar statements made in the Report of the United States Commissioners. But it is not admitted, even were it possible to show that all the fur-seals of the eastern part of the North Pacific resorted to the Pribyloff Islands for purposes of procreation, that these islands would in consequence be entitled to be characterized as their "only home." An attempt is made to justify the employment of the word "home" in this sense in the Report of the United States Commissioners, as follows:

Ibid., p. 324 (foot-note).

The home of a species is the area over which it breeds. It is well known to naturalists that migratory animals, whether mammals, birds, fishes, or members of other groups, leave their homes for a part of the

year because the climatic conditions or the food supply become unsuited to their needs; and that whenever the home of a species is so situated as to provide a suitable climate and food supply throughout the year such species do not migrate.

DR. MERRIAM ON SUMMER AND WINTER HOMES OF MIGRATORY ANIMALS.

It is, however, important to note the recent opinion of one of the United States Commissioners in an opposite sense, *i. e.*, to the effect that the winter resorts of animals breeding in the north may be equally entitled to be characterized as a "true home" of any species, the statement referred to being in precise accord with the employment of the word "home" in the Report of the British Commissioners. Dr. Merriam, in a critical note appended to a work by Professor W. W. Cooke, in fact, writes as follows:

152 I cannot concur with Professor Cooke in the belief that "love of the nesting-ground . . . . is the foundation of the desire for migration." In a lecture on bird migration which it was my privilege to deliver in the United States National Museum on the 3d April, 1886, I said: "Some ornithologists of note have laid special stress upon the 'strong home affection' which prompts birds to leave the south and return to their breeding-grounds. To me this explanation is forced and unnecessary. Birds desert their winter homes because the food supply fails; because the climatic conditions become unsuited to their need; because the approach of the breeding season gives rise to physiological restlessness; and because they inherit an irresistible impulse to move at this particular time of the year."—C. H. M.

"Report on Bird Migration in the Mississippi Valley," by W. W. Cooke, 1888. United States Department of Agriculture, Div. of Econ. Ornithol., Bull. No. 2, p. 11 (foot-note).

ENORMOUS QUANTITY OF FOOD FISHES CONSUMED BY SEALS WHEN IN THEIR WINTER HOME.

In concluding the discussion of the group of questions dealt with in this Chapter, it is desirable to draw attention to the fact that the winter home or habitat of the fur-seal, being, as it is, chiefly in the vicinity of the coast of British Columbia, affords to the residents of that coast an excellent ground of claim to participate in the profits derived from the hunting of the fur-seal, in so far at least as any such claim can be based on the habits and haunts of the animal. This depends not so much on the near proximity of the seals to this coast at the season mentioned, as on the enormous quantity of food fishes which the seals consume there, which, if not thus taken, would be available for the direct support of the inhabitants. The inroads of the seals upon the fisheries are, in fact, of a most serious kind; and any claim which necessitates the abstention from sealing of the people so affected in the sole interests of a Corporation or Government which profits by the killing of the seals upon their distant breeding-islands, must be considered as essentially unjust.

Amount of fish consumed.

RESULTING DAMAGE TO FISHERIES.

The injury done to fisheries by seals of all kinds, even when in comparatively small numbers, is well known. What, then, must be the effect of vast bodies of fur-seals known to congregate on the coast of British Columbia,

British Commissioners' Report, para. 569.

from which, without counting the pelagic catch proper, about 3,000 skins are taken each year by the Indians venturing to sea in their dug-out canoes, and, therefore, at no great distance from land?

153 Without endeavouring to cite numerous authorities on the damage done to the food fishes by seals, the following may be quoted as examples of this well-understood fact:

BALTIC.

Appendix, vol. i, p. 177. The fisheries of Sleswick-Holstein, on the Baltic, in 1887, were so damaged by seals that it was feared they might be absolutely ruined, and measures had to be taken to destroy the seals.

ICELAND.

Ibid. In Iceland so much damage has been done to the salmon fisheries that special statutory provisions have been introduced, enabling persons "to shoot or frighten" seals coming near the fisheries.

DENMARK.

Ibid. In Denmark, in order to save the fishing industry, rewards have been offered for each seal killed.

MASSACHUSETTS.

Ibid. The bay fishing in Essex, Massachusetts, in 1892, was so seriously injured by seals that the authorities offered a reward of 1 dollar for each seal killed.

United States Case, Appendix, vol. i, p. 421. Dr. Alfred Nehring, Professor of Zoology in the Royal Agricultural College of Berlin, likewise in a letter addressed to Dr. Merriam, and in reply to his "Circular letter" (elsewhere referred to) speaks with approval of the pursuit of the fur-seal where, in its winter quarters, it is destructive to the fisheries.

ACTUAL QUANTITY OF FISH CONSUMED.

With special reference to the destruction of food fishes caused by the fur-seal of the North Pacific, Mr. H. W. Elliott states his belief that a full-grown male seal consumes per diem about 40 lbs. of fish, adult females at least 10 lbs. or 12 lbs., and the rapidly growing pups or young bachelors not much, if any, less. He adds:

ELLIOTT'S ESTIMATE 6,000,000 TONS PER ANNUM.

United States Census Report, p. 64. Therefore, this great body of 4,000,000 or 5,000,000 hearty active animals which we know on the seal islands, must consume an enormous amount of such food every year. They cannot average less than 10 lbs. of fish each per diem, which gives the consumption, as exhibited by their appetite, of *over 6,000,000 tons of fish every year.*

* * * * *

Ibid. (foot-note). If the seals can get double the quantity which I credit them with above, startling as it seems, still I firmly believe that they eat it every year. An adequate realization by ichthyologists and fishermen as to what havoc the fur-seal hosts are annually making among the cod, herring, and salmon of the north-west coast and Alaska would disconcert and astonish them.

FUR-SEALS EVEN ENTER INLAND WATERS OF BRITISH COLUMBIA, AND PREY UPON FISH THERE.

Neither are the depredations of the fur-seal on the
154 British Columbian coast entirely confined to such fishes as at certain seasons frequent the open sea, for though it is stated in the Case of the United States that the seals—

> do not enter the inland waters of the coast during their migration, remaining always in the open sea or at the mouths of large bays, inlets, and gulfs— United States Case, p. 127.

this statement shows only an imperfect acquaintance with the facts. The notes obtained by the British Commissioners on the coast of British Columbia prove, in fact, that the fur-seals frequent Dixon Entrance, Hecate Strait, Observatory Inlet, Queen Charlotte's Sound (sometimes even going to the head of Knight's Inlet), the Strait of Fuca, and in former years resorted even to the Gulf of Georgia. Mr. J. W. Mackay further writes as follows: British Commissioners' Report, paras, 177–179. Ibid., para. 185.

> During the spring, numbers of the young animals fish in the broken waters inside the half-tide rocks and reefs which fringe the western shores of Vancouver Island and of the other islands which lie west of the mainland from Queen Charlotte Sound to Dixon Entrance. Ibid., para. 183.

And Captain John Devereux, formerly Commander of the Canadian Government steamer "Douglas," says:

> When they are found along the bank on the west coast of Vancouver Island they are feeding on their natural feeding-grounds. Ibid., para. 184.

Adding that—

> Though often far off the land, he has frequently found them inshore, and even 18 miles up Barclay Sound; as well as in the Strait of Fuca, and, on rare occasions, in the Gulf of Georgia.

CONCLUSIONS.

It is contended on behalf of Her Majesty's Government that, in view of the facts set forth in the present Chapter, there is no just ground for regarding the Pribyloff Islands as the sole home or habitat of the fur-seals which generally resort there for breeding purposes. That, having regard to the large proportion of the year during which they frequent other coasts and other waters, and the fact that the whole of their food is obtained from the open sea, no claim to treat them as property, or as a "natural product of the soil," can be supported, on the ground that for a limited portion of the year they frequent the shores and territorial waters of the Pribyloff Islands for breeding purposes.

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CHAPTER VIII.

RECAPITULATION OF ARGUMENT.

It is submitted that, with reference to the five points stated in Article VI of the Treaty of Arbitration, and the facts bearing thereon, the arguments and considerations in the foregoing Chapters have established:

CHAPTER I.—As regards the user of the waters of Behring Sea and other waters of the North Pacific up to the year 1821—

1. That the propositions that were formulated on p. 36 of the British Case with reference to the user of the waters of Behring Sea up to the year 1821, and supported by the evidence cited therein, have not been displaced by any facts or arguments produced in the Case of the United States; but, on the contrary, that the further examination of the subject establishes that, down to the year 1821, Russia neither asserted nor exercised in the non-territorial waters of the North Pacific, including the body of water now known as Behring Sea, any rights to the exclusion of other nations.

CHAPTER II.—As regards the Ukase of 1821, and the circumstances connected therewith, leading up to the Treaties of 1824 and 1825—

2. That the conclusions claimed to have been established in the British Case, as stated at p. 58, are fully supported, and that the further evidence which has been adduced clearly shows that the Ukase of 1821—the first and only attempt on the part of Russia to assert dominion over, and restrict the rights of other nations in, the non-territorial waters of the North Pacific, including those of Behring Sea—was made the subject of immediate and emphatic protest by Great Britain and by the United States. That thereupon Russia unequivocally withdrew her claims to such exclusive dominion and control.

156 CHAPTER III.—As regards the question whether the body of water now known as Behring Sea is included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia—

3.—(*a.*) That the Conventions of 1824 and 1825 declared and recognized the rights of the subjects of Great Britain and the United States to navigate and fish in all parts of the non-territorial waters over which the Ukase purported to extend.

(*b.*) That the body of water now known as the Behring Sea was included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia; and

(*c.*) That the constructions placed on the term "North-west coast" or "North-west coast of America" in the case of the United States are unsound.

CHAPTER IV.—As regards the user of the waters in question from 1821 to 1867—

4. That the conclusions claimed to have been established in the British Case, as stated at p. 90, are fully supported; and that the further evidence which has been adduced clearly shows that, with the growth of commerce and increase of trade subsequently to the year 1821, vessels of nations other than Russia, without let or hindrance, frequented, traded, and fished in the waters of Behring Sea; and that no attempt was ever made during the whole period to restrict the use of those waters to vessels carrying the Russian flag.

CHAPTER V.—As regards the question what rights passed to the United States under the Treaty of Cession of the 30th March, 1867—

5. That the contentions of the United States are based upon two assumptions, both of which are entirely erroneous.

The first, that prior to the year 1867 Russia had, in fact, excluded the vessels of other nations from Behring Sea.

The second, that the language of the Treaty of 1867 describes, and purports to convey, some special rights in the non-territorial waters of Behring Sea.

As to the first, the considerations contained in the first four Chapters have established that, prior to 1867, Russia had not, at any time, excluded from Behring Sea the vessels of foreign nations.

157 As to the second, a reference to the language of the Treaty—which is set out at pp. 91 to 94 of the British Case—shows that Russia was conveying territories which were then admitted to form part of the Russian Empire, but with no more than the ordinary territorial rights.

CHAPTER VI.—As to the question whether the United States has any, and if so, what right of protection or property in the fur-seals frequenting the Islands of Behring Sea, when such seals are found outside the ordinary 3-mile limit—

(*a.*) That the authorities cited, and arguments brought forward, support the proposition that the sole right of the United States in respect of the protection of seals is that incident to territorial possession, including the right to prevent the subjects of other nations from fishing in territorial waters.

(*b.*) That the United States have not, nor has any citizen of the United States, any property in fur-seals until they have been reduced into possession; and that the property so acquired endures so long only as they are retained in control.

(*c.*) That an examination of the Colonial and foreign laws referred to in the United States Case shows that international usage in no way establishes, and in no instance sanctions, the principle asserted by the United States, but, on the contrary, confirms the following propositions at p. 160 of the British case:

The right of the subjects of all nations to navigate and fish in the non-territorial waters of the sea now known as Behring Sea, remains and exists free and unfettered; and cannot be limited or interfered with, except with the concurrence of any nations affected.

No regulations affecting British subjects can be established for the protection and preservation of the fur-seal in the non-territorial waters of Behring Sea without the concurrence of Great Britain.

CHAPTER VII.—As regards the allegations of fact put forward by the United States in connection with Point 5 of Article VI, it is submitted—

SECTION I.—That no grounds exist to justify the application
158 to the fur-seal of the designation of land-animal, when admittedly it derives its entire sustenance from the ocean, and passes there two-thirds, if not more, of its existence.

SECTION II.—That there is no just ground for the contention that the seal is domestic in its habits.

SECTION III.—That the assertion that the fur-seals resorting to the Commander and Pribyloff Islands form two entirely and rigidly separated "herds" has been shown to be erroneous.

That, on the contrary, the facts ascertained from a large body of testimony establish that the fur-seals which breed upon the islands on both sides of Behring Sea intermingle.

SECTION IV.—That there is no just ground for regarding the Pribyloff Islands as the sole home or habitat of the fur-seals which generally resort there for breeding purposes. That, having regard to the large proportion of the year during which they frequent other coasts and other waters, and the fact that the whole of their food is obtained from the open sea, no claim to treat them as property or as a "natural product of the soil" can be supported on the ground that for a limited portion of the year they frequent the shores and territorial waters of the Pribyloff Islands for breeding purposes.

CONCLUSION.

The above propositions, which are supplemental to those stated in Chapter X of the British Case, demonstrate, in the submission of Her Majesty's Government, that the five points stated in Article VI of the Treaty of Arbitration must be decided in favour of the contention of Great Britain, and that the United States have wholly failed to establish any exclusive right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea, when found outside the ordinary 3-mile limit; that the subjects of Great Britain have, in common with those of all other Powers, the right to navigate on, and fish in, the non-territorial waters of Behring Sea; and that any restrictions upon these rights can only be imposed with the consent and concurrence of Great Britain.

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PART II.

CHAPTER IX.

GENERAL CONSIDERATIONS AFFECTING THE QUESTION OF REGULATIONS.

It is necessary in approaching the consideration of the question of Regulations (if any are to be made) to recall its relation to the five points raised by the VIth Article of the Treaty, bearing in mind that it is only in the event of those five questions having been so determined as to render the concurrence of Great Britain necessary that the authority of the Arbitrators as to Regulations arises (Article VII).

What, then, does that determination involve? It involves the recognition of the proposition that Behring Sea is to be regarded as a sea open to the commerce and to the fishermen of the world, and that the United States have no exclusive right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary 3-mile limit.

It follows that the rights and interests of the United States in fur-seals frequenting such islands do not differ from the rights and interests of any other portion of mankind, except in so far as the territorial possession of those islands by the United States gives to their nationals the exclusive right of capture in territorial waters, and the advantages derived from the fact that the seals congregate in large numbers on those islands, thereby giving the opportunity for their slaughter.

In the next place, it is to be remembered that the object of Regulations (assuming any Regulations to be made) should be the preservation of the fur-seal industry for the benefit not of the United States alone, but of all those who
160 may find it profitable to pursue this industry in non-territorial waters.

No such Regulations can be just or effective unless accompanied by corresponding and correlative control over the islands and over the time, method, and extent of slaughter upon them by the nationals of the United States of America.

To enforce Regulations which would shut out British subjects at certain seasons, and from prescribed areas, from the pursuit of pelagic sealing, and at the same time would leave the slaughter of seals on the islands to be pursued according to the mere will of the lessees of those islands or of their Government, would be to establish Regulations one-sided in their character, and, therefore, unjust and also ineffective for the object in view, namely, the preservation of seal life.

It will be shown later, that the action of the lessees upon the islands, both as to times, methods, and extent of slaughter, has heretofore exercised a more serious effect in causing the diminution of seals in Behring Sea than the pelagic sealing.

It is submitted, therefore, that no Regulations applying to pelagic sealing only ought to be formulated unless and until the United States of America have established proper and effective Regulations applicable to the islands

Otherwise, the result would be that the Regulations would restrict pelagic sealing by British subjects, for the benefit of the United States, whilst leaving the action of their nationals in territorial waters and on the islands without control.

But it further follows that any Regulations, to be at once just and effective, must bind all who have the right to resort to Behring Sea in pursuit of fur-seals.

According to the express terms of the VIIth Article of the Treaty, the authority of the Arbitrators as to concurrent Regulations is confined to Regulations outside the jurisdictional limits of the respective Governments of Great Britain and the United States of America.

It is clear that such Regulations would require domestic legislation by Great Britian and the United States respectively to make them binding even on their respective nationals, but that domestic legislation by Great Britain could not bind the nationals of the United States of
161 America, neither could legislation by the United States of America bind the nationals of Great Britain.

Equally obvious is it that the legislation of neither country could bind the subjects of any other country.

It would therefore be open to the nationals of Chile, Germany, Holland, Japan, Russia, or of any other Power, to disregard any Regulations made; and if their convenience and interest pointed in that direction, to pursue the fur-seal fishing industry at times when, and in a manner and under circumstances in which, the like pursuit would be forbidden to the nationals of Great Britain and of the United States of America respectively.

It may be anticipated also that owners of both United States and Canadian sealing-vessels would sail their vessels under the flag of some other nation, so as to obtain immunity from such Regulations.

These results, it will be admitted, have not been contemplated by either of the two great Powers parties to the Treaty, nor would they be conducive to their respective interests.

That the adhesion of other Powers has been regarded by Great Britain and the United States of America respectively as important, is shown by the concluding words of the VIIth Article of the Convention, in which "The High Contracting Parties furthermore agree to co-operate in securing the adhesion of other Powers to such Regulations."

No other Power has so far expressed its willingness to be party to any scheme of Regulations such as the Arbitrators might determine to be right and proper; and it is apparent that to issue and to enforce concurrent Regulations outside the jurisdictional limits of Great Britain and the United States of America, which would become binding upon their respective nationals and upon them only, would tend to prevent rather than to promote the adhesion of other Powers in the future.

It is submitted that, if any Regulations are to be prescribed, they ought to be so framed as only to come into operation through the instrumentality of a Convention, at which all the Powers interested shall be represented, and at which proper provisions for their enforcement binding on the nationals of all such Powers shall be formu-
162 lated, or that they should be conditional upon the adhesion of such other Powers.

It is further submitted that, in view of the great internationalinterests involved, it is fitting that the United States of America should express their willingness to frame proper and just concurrent Regulations applicable to the islands and their territorial waters.

The position here taken on the part of Great Britain is that already taken in the original Case. It is there stated: British Case, p. 9.

> Finally, that while Great Britain has from the first strenuously and consistently opposed all the foregoing exceptional pretensions and claims, she has throughout been favourably disposed to the adoption of *general* measures of control of the fur-seal fishery, should these be found to be necessary or desirable with a view to the protection of the fur-seals, provided that such measures be equitable and framed on just grounds of common interest, and *that the adhesion of other Powers* be secured as a guarantee of their continued and impartial execution.

For the correspondence on this point, the Arbitrators are respectfully referred to the Appendix to the United States Case. United States Case, Appendix, vol. i, pp. 339–345.

A claim is made in the concluding words of the United States Case that such Regulations be— United States Case, p. 303.

> prescribed by this high Tribunal, as will effectually prohibit and prevent the capture anywhere upon the high seas of any seals belonging to the said herd.

Her Majesty's Government respectfully protest that no power to impose on the Contracting Parties a total prohibition of pelagic sealing is conferred on the Tribunal by the Arbitration Treaty, whether the assent of other nations be or be not made a condition of such prohibition.

Article VII empowers the Arbitrators to—

> determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend.

The power thus conferred relates to the only area in dispute, viz., the waters of Behring Sea eastward of the line of demarcation specified in the Treaty of Cession of 1867, and excludes the supposition that prohibition could have been intended.

163 The object of Regulations, as laid down in Article VII, is "the proper protection and preservation of the fur-seal;" not its reservation for the United States Government and their lessees.

The correspondence which resulted in the Arbitration Treaty shows that the construction of that Treaty now relied on by Great Britain accords with the intentions of both Powers at the time its provisions were framed. Mr. Blaine, in his despatch of the 17th December, 1890 says:

United States Case, Appendix, vol. i, p. 284.

> The President will ask the Government of Great Britain to agree to the distance of 20 marine leagues—within which no ship shall hover around the Islands of St. Paul and St. George, from the 15th May to the 15th October of each year. This will prove an effective mode of preserving the seal fisheries *for the use of the civilized world.*— . . . The United States desires only such control over a limited extent of the waters in the Behring Sea, for a part of each year, as will be sufficient to insure the protection of the fur-seal fisheries.

The writer, after proposing the five questions, which, with modifications in the third and fifth, are now embodied in Article VI, proceeds:

Ibid., p. 286.

> Sixth. If the determination of the foregoing questions shall leave the subject in such position that the concurrence of Great Britain is necessary in prescribing Regulations for the killing of the fur-seal in any part of the waters of Behring Sea, then it shall be further determined:
>
> First, how far, if at all, outside the ordinary territorial limits it is necessary that the United States should exercise an exclusive jurisdiction in order to protect the seal for the time living upon the islands of the United States, and feeding therefrom.
>
> Second, whether a closed season (during which the killing of seals in the waters of Behring Sea outside the ordinary territorial limits shall be prohibited) is necessary to save the seal-fishing industry, so valuable and important to mankind, from deterioration or destruction. And, if so,
>
> Third, what months or parts of months should be included in such season, and over what waters it should extend.

The Marquis of Salisbury in a letter to Sir J. Pauncefote, dated the 21st February, 1891, which contains his answer to Mr. Blaine, says:

Ibid., p. 294.

> Her Majesty's Government have no objection to refer the general question of a close time to arbitration, or to ascertain by that means how far the enactment of such a provision is necessary for the preservation of the seal species; but such reference ought not to con-
> 164 tain words appearing to attribute special and abnormal rights in the matter to the United States.

In a letter from Mr. Wharton to Sir J. Pauncefote, dated the 25th June, 1891, this passage is quoted, and the writer adds:

United States Case, Appendix, vol. i, p. 319.

> I am now directed by the President to submit the following, which he thinks avoids the objection urged by Lord Salisbury.

Then follows the clause which now forms Article VII of the Treaty.

Lastly, it is to be remembered that, if protection is to be given to which the United States has now no legal right,

and if such protection involves injury to the existing legal rights of Great Britain, the question must arise, as to the terms and conditions upon which such protection should be afforded.

Subject to the foregoing observations, the scheme and scope of any Regulations outside the jurisdictional limits of the representative Governments might, it is submitted, embrace the following subjects, or some of them:

The maintenance of a zone of protected waters round the breeding islands. British Commissioners' Report, § 155 (*b*).

The provision of a close season. Ibid., § 155 (*c*).

Provision that no sealing-vessel shall enter Behring Sea in each year before a given date.

Prohibition of the use of rifles in shooting seals at sea.

Prohibition of nets as a means of capture at sea.

Provision that all sealing-vessels shall be licensed, and shall carry a distinctive flag.

On the other hand, in order that Regulations of this nature, or any other Regulations, may be effective for the proper preservation of seal life, it is necessary, in the opinion of Her Majesty's Government, that Regulations should be enforced by the United States on the breeding-islands dealing with the following subjects:

Limitation of the number of seals to be killed in each year, such limit to be subject to periodical review by independent Government Agents, having regard to the actual condition of the breeding-islands.

Effective provisions to prevent raiding and disturbance upon the islands.

And such subsidiary provisions as may be considered necessary for the effective carrying out of these suggestions.

165 In the United States Case, four proposals for "a limited prohibition" are separately discussed, and each in turn is discarded as useless. By the term "limited prohibition," it is probably intended to designate the "concurrent Regulations" mentioned in the Treaty of Arbitration, but, as has already been shown, prohibition is not regulation. United States Case, pp. 253-264.

The main argument of the United States is based on the assumption (shown to be erroneous) that the decrease of seals on or in the neighbourhood of the Pribyloff Islands is attributable entirely to pelagic sealing, and on the further assumption that Regulations should be framed in the sole interest of the owners of the Pribyloff Islands.

It is shown in the Report of the British Commissioners that no single measure or precaution is in itself equally appropriate to the several modes of taking seals, or separately capable of affording adequate safeguards in the interests of seal life. But it is further shown that, by a judicious combination of checks of various kinds, an efficient system of control may readily be established, so as to embrace the whole industry based upon the taking of fur-seals, and readily adaptable in its nature to varying circumstances. The method adopted in the Case of the United States of discussing and condemning separately certain British Commissioners' Report, para. 132. Ibid., para. 137.

measures applicable to sealing at sea is insufficient and inconclusive. No doubt total prohibition of pelagic sealing would be favourable to the owners of the Pribyloff Islands as leaving them unaffected, while disposing of the competition of their rivals (the sealers) on the high seas; but such prohibition would be manifestly unjust to the other interests concerned.

It is therefore scarcely necessary at this stage to follow in any detail the arguments advanced in the United States Case against the several modes of regulation there selected for discussion, or to indicate how erroneous are the grounds on which the suggested regulations are there condemned.

For instance, a close season as applied to sealing at sea is supposed to be sufficiently condemned by pointing out that differences of opinion exist amongst the witnesses as to the time of year which it should cover.

United States Case, Appendix, vol. ii, p. 412.

Again, Professor Huxley's opinion is referred to as in favour of total prohibition of pelagic sealing; but on reference to his statement, it will be seen that he is
166 careful to point out that, under the circumstances of the case, total prohibition is impossible, and, to use his own language, is "out of the question."

See *ante*, p. 163.

The proposition that a protective zone should be established round the Pribyloff Islands is treated as an absurdity, although, writing as late as the 17th December, 1890, Mr. Blaine himself made this proposal in words already quoted.

In the Case of the United States, frequent allusions are made to the opinions expressed in letters by certain well-known naturalists as to the best mode of preserving and protecting the fur-seal. The method in which these opinions were obtained, and the data upon which they were based, require some notice.

In Article IX of the Treaty of Arbitration it is provided that—

> each Government shall appoint two Commissioners to investigate conjointly with the Commissioners of the other Government all the facts having relation to seal life in Behring Sea, and the measures necessary for its proper protection and preservation.
>
> The four Commissioners shall, so far as they may be able to agree, make a Joint Report to each of the two Governments, and they shall also report, either jointly or severally, to each Government upon any points upon which they may be unable to agree.
>
> These Reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators cannot arise.

In view of the above provisions, and particularly of the last-mentioned one, which enjoins the privacy of the Reports, the British Commissioners have preserved the strictest reticence with regard not only to the Joint Report, but also in the matter of their Several Report, and have not disclosed in any way the conclusions at which they have arrived on the various points.

However, Dr. C. Hart Merriam, one of the United States Commissioners, has submitted to certain naturalists a "Circular letter" bearing on the subject-matter prepared for the consideration of this Tribunal.

In the introductory paragraph of his "Circular letter" Dr. Merriam writes as follows, dating from Washington, April 2nd, 1892:

DEAR SIR: The Government of the United States having
166 A selected me as a naturalist to investigate and report upon the condition of the fur-seal rookeries on the Pribyloff Islands in Behring Sea, with special reference to the causes of decrease and the measures necessary for the restoration and permanent preservation of the seal herd, I visited the Pribyloff Islands and made an extended investigation of the subject, the results of which are here briefly outlined.

And in the concluding paragraph writes:

Having been selected by my Government solely as a naturalist, and having investigated the facts and arrived at the above conclusions and recommendations from the standpoint of a naturalist, I desire to know if you agree or differ with me in considering these conclusions and recommendations justified and necessitated by the facts in the case. I shall be greatly obliged if you will favour me with a reply. United States Case, Appendix, vol. i, p. 414.

No mention is made of the Agreement entered into by the Governments of Great Britain and the United States in respect to the joint character of the investigation of the facts of seal life; and, in the absence of other sources of information, the naturalists to whom these explanations were addressed would, it is submitted, naturally assume as correct the facts stated by Dr. Merriam. Ibid., p. 417.

To the mere fact of the submission of the question at issue respecting the fur seal, and the methods appropriate for its preservation, to the judgment of well-informed naturalists, no exception can be taken. But on examining the body of the "Circular letter," it is found to be a précis of the more important conclusions contained in the Several Report of the United States Commissioners. It thus consists of a series of assertions and arguments, some of which are in direct opposition to the conclusions and opinions formed by the British Members of the Joint Commission, and many of which involve assumptions of fact which are directly controverted.

Dr. Merriam was, at the time of writing and dispatching this Circular letter, well aware of the different views held on many points by the British Commissioners. The date of the letter is nearly one month later than that of the conclusion of the joint Conferences of the Commissioners.

It is unnecessary here to discuss the statements made in the Circular letter itself, as they are considered in detail in other parts of this Counter-Case. Neither would it serve any good purpose to criticize at length the nature of the replies published.

166 B It is, however, to be noted that several of the naturalists, whose replies are given, do not wholly agree with the conclusions placed before them.

Thus, Dr. Alphonse Milne Edwards, does not commit himself to Dr. Merriam's conclusions respecting the required mode of protection of the seals. He parallels the conditions, very appropriately, with those affecting migratory birds. In conclusion, he states that only an International Commission can lay down Rules for the protection of the fishery.

Dr. Alfred Nehring, points out that the pursuit of the fur-seal in its southern winter quarters may be justified on the ground of its destructiveness to fish.

Professor Robert Collet, believes the matter to be one for an International Agreement for a close time, similar to that in force respecting the seal fisheries of the North Atlantic.

Dr. Gustav Hartlaub, writing apparently with no other knowledge of the matter than that afforded by Dr. Merriam's letter, briefly states his agreement with its general conclusions, but regrets that for practical reasons the prohibition of hunting for a few years cannot be thought of.

Professor Count Tommaso Salvadori, points out that, in addition to the effects attributed to pelagic sealing, he believes the killing upon the islands to have been too great.

Dr. Leopold von Schrenck, in brief terms, records his full agreement with the statements presented to him.

Dr. Henry H. Giglioli, likewise fully agrees with Dr. Merriam, but takes occasion to deplore the killing of "pups" on the islands, which, it will be remembered, was allowed to continue till 1891.

Dr. Raphael Blanchard, points out that the killing of young males on land requires to be regulated and severely limited, as well as the killing at sea. He believes the matter to be one for an International Commission.

Professor Wilhelm Lilljebord and Baron A. E. Nordenskiöld, point out that the protection required clearly divides itself into that on land and that of seals at sea, where near to or connected with the breeding rookeries.

Dr. A. von Middendorf, states that international protection is necessary.

Dr. Emil Holub, likewise believes that protection
166 C must be accorded equally at sea and on the breeding-islands. He suggests an International Congress.

Dr. Carlos Berg, in a few lines, agrees entirely with Dr. Merriam's conclusions.

The statements made by two other naturalists, to whom it does not appear that Dr. Merriam's "Circular letter" was sent, must, in conclusion, be mentioned. These are Professor T. H. Huxley and Dr. P. L. Sclater.

Professor Huxley's opinion as given in the Appendix of the United States Case, constitutes a fair statement of conclusions and recommendations, such as may well have been based on the published evidence available up to the time at which it was written, but which, of course, did not include the Report of the investigations of the British Behring Sea Commissioners or other later evidence.

Professor Huxley admits the manifest rights of British and all other sealers at sea, and of the United States, on the Pribyloff Islands. He points out that it is the interest of both parties to preserve the seals, but that even the concurrence of both Governments would be insufficient, as this would not exclude sealers under other flags. He suggests that a Joint Fishery Commission might be established to deal with, and make laws for, the Pribyloff, Behring, and North-west Coast fisheries, under the terms of a General Treaty, to which other Powers would probably agree.

The whole tenour of the statement is eminently practical, endeavouring to deal with the facts of the case as they exist and must be met, and is in this respect in singular contrast with the schemes of protection and control which are prominently advocated in other parts of the United States Case.

Dr. Sclater's affidavit consists of three short clauses embracing many theoretical assertions, and making no effort whatever to deal with the actual circumstances, or to provide a means of control of shore and sea sealing, both of which, he admits, must be regulated. The third clause, in fact, shows that the author was not aware of the actual character of the management of the breeding-islands and mode of killing there, as explained in another part of this Counter-Case. In this respect, it is in accordance with the similar theoretical assertions elsewhere found in the Case of the United States, and cannot be admitted to have more weight than these.

United States Case, Appendix, vol. i, p. 411.

166 D

Upon any discussion before the Tribunal upon the subject of Regulations, Her Majesty's Government will refer, if necessary, to a Supplementary Report of the British Commissioners, which is now in course of preparation, and will, it is believed, be presented to Her Majesty's Government by the 31st January, 1893.

The succeeding chapters have been prepared in order that the Arbitrators may be put in possession of the true facts material to the consideration of the question of Regulations, and of the reply on behalf of Her Majesty's Government to the arguments and allegations of fact contained in the Case of the United States with reference to pelagic sealing and the management of the islands in the past.

167 CONSIDERATION OF STATEMENTS PUT FORWARD BY THE UNITED STATES BEARING UPON THE QUESTION OF THE NECESSITY FOR REGULATIONS.

CHAPTER X.

Date and Amount of the observed Decrease in the Number of Seals.

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 164—
"Under this careful management of the United States Government the seal herd on the Pribilof Islands increased in numbers, at least up to the year 1881."
(2.) United States Case, p. 165—
"From the year 1880 to the year 1884–85, the condition of the rookeries showed neither increase nor decrease in the number of seals on the islands. In 1884, however, there was a perceptible decrease noticed in the seal herd at the islands, and in 1885 the decrease was marked in the migrating herd as it passed up along the American coast, both by the Indian hunters along the coast and by white seal hunters at sea. Since that time the decrease has become more evident from year to year, both at the rookeries and in the waters of the Pacific Ocean and Behring Sea."
(3.) United States Case, p. 296—
"That this decrease began with the increase of such pelagic sealing, and that the extermination of this seal herd will certainly take place in the near future."
(4.) United States Case, p. 185—
"The decrease in the seal herd has thus been proportionate to the increase of the sealing fleet."

SUMMARY OF BRITISH REPLY.

It is admitted that a decrease in seals on and about the Pribyloff Islands has occurred as a result of excessive killing, but it is affirmed that the date assigned by the United States for the beginning of such decrease is incorrect, and that the amount is exaggerated.

The decrease had reached such proportions on the islands as to necessitate new measures, in order to obtain the "quota" of 100,000, as early as 1879; and its progress had become still more marked in 1883.

The decrease began long before pelagic sealing had assumed any importance, and before any pelagic sealers had entered, or even approached Behring Sea.

The attempt to connect the date of the first decrease with that of an increase of pelagic sealing fails, even when examined in the light of the contentions advanced by the United States.

168 No trustworthy numerical data exist to prove the amount of decrease on the Pribyloff Islands, and the evidence relied on by the United States to prove its great proportions is incorrect or inconclusive.

There has been no decrease of seals at sea corresponding with that found on the Pribyloff Islands, the number at sea having proportionately, if not actually, increased in late years; an effect probably due to the disturbance incident to killing on the islands.

THE UNITED STATES CONTENTIONS SUMMARIZED AND EXPLAINED.

From the quotations given above, it appears to be affirmed in the Case of the United States that the seals increased in number on the Pribyloff Islands under the control of the United States Government at least up to the year 1881; that from the year 1880 to the year 1884–85 the number remained stationary, but that in 1884 a decrease began,* which in subsequent years continued and became greater; that such decrease was observed not alone on the Pribyloff Islands, but also at sea generally; that it commenced contemporaneously with the increase of pelagic sealing, and is of an exceedingly great and alarming character. United States Case, p. 164. Ibid., pp. 165, 166. Ibid., p. 2[illegible]6.

The decrease of seals upon the Pribyloff Islands has no doubt brought the whole question into prominence, and it is the prospect of the diminution of the supply of seal-skins which has stirred the lessees of these islands to agitate for the interference and protection of the Government of the United States, from whom they derive these special rights.

The lessees complained of the operations of pelagic sealers, and attributed the decrease of seals observed on the breeding islands entirely to pelagic sealing; and, in consequence of these complaints, the United States endeavoured to put a stop to pelagic sealing by means of the seizure of vessels on the high seas.

BRITISH AND UNITED STATES COMMISSIONERS ADMIT DECREASE.

As to the diminution in the number of seals, the British and United States Commissioners agree to the following proposition in their joint Report:

> We find that since the Alaska purchase a marked diminution in the number of seals on and habitually resorting to the Pribyloff Islands has taken place; that it has been cumulative in effect, and that it is the result of excessive killing by man. Ibid., p. 309.

In endeavouring to arrive at the true causes of this
169 diminution, it is necessary in the first place to ascertain correctly the date at which the diminution commenced, and the amount of the diminution.

Upon this point the conclusion arrived at by the British Commissioners is expressed in their Report in the following terms:

BRITISH COMMISSIONERS BELIEVE DECREASE TO HAVE BEEN PRACTICALLY CONTINUOUS UNDER UNITED STATES CONTROL.

> A critical investigation of the published matter, together with the evidence personally obtained from many sources and an examination of the local details of the rookeries and hauling-grounds on the Pribyloff Islands, leads us to believe that there has been a nearly continuous deterioration in the condition of the rookeries and decrease in the number of seals frequenting the islands from the time at which these passed under the control of the United States, and that, although this decrease may possibly have been interrupted, or even reversed, in some specially favourable years, it was nevertheless real, and in the main persistent. British Commissioners' Report, para. 57.

* The dates do not precisely correspond, but are given by the United States as here stated.

DECREASE ON ISLANDS SERIOUS BEFORE PELAGIC SEALING.

With reference to the attempt made in the Case of the United States to connect the commencement of the observed decrease on the islands with that of the increase of pelagic sealing, it will be found (in addition to the general evidence of deterioration during the earlier years of the United States control), that after fixing as nearly as is now possible the actual date at which the scarcity of young male seals had become such as to hamper the lessees in taking their "quota," the British Commissioners state that this stage in decline had been reached—

Ibid., para. 688. before the pelagic sealing industry had attained any considerable development, and some years before it could, under any valid hypothesis, be supposed to be accountable for any such result.

DIFFICULTY IN TAKING "QUOTA" ON THE ISLANDS.

The opinion above expressed is further confirmed by the examination of the evidence attached to the United States Case, and also by the independent investigations of Mr. H. W. Elliott. Mr. Elliott, it will be remembered, was sent in pursuance of a Special Act of Congress to the islands in 1890, to ascertain the condition of the rookeries, his previous investigations having specially qualified him for this inquiry.*

170 In treating of the causes and time of commencement of the decrease, Mr. Elliott alludes both to excessive killing on the islands and to pelagic sealing, and of the former he writes as follows:

British Case, Appendix, vol. iii, "United States No. 2 (1891)," p. 56. Why is it that we find now only a scant tenth of the numbers of young male seals which I saw there in 1872? When did this work of decrease and destruction, so marked on the breeding-grounds there, begin, and how? This answer follows:

ELLIOTT TRACES THIS DIFFICULTY BACK TO 1879.

(1.) From over-driving without heeding its warning first begun in 1879, dropped then until 1882, then suddenly renewed again with increased energy from year to year, until the end is abruptly reached, this season of 1890.

And further on as follows:

Ibid., p. 57. Had, however, a check been as slowly and steadily applied to that "driving" as it progressed in 1879–82 upon those great reserves of Zapadnie, South-west Point, and Polavina, then the present condition of exhaustion, complete exhaustion of the surplus supply of young male seals, would not be observed—it would not have happened.

FURTHER EVIDENCE TO THIS EFFECT.

British Commissioners' Report, para. 685. From evidence of an independent character, the British Commissioners also show that, as early as 1879, the area of "driving" on the islands had to be extended, in order to

* It will be further remembered that the Report then made by Mr. Elliott has never been published by the United States Government. The extracts in British Case, Appendix, vol. iii, "United States No. 2 (1891)," p. 53, are those given from the Report in the "Cleveland Leader and Morning Herald."

secure the "quota;" and as early as 1883 the standard weight of skins had to be lowered, in order to enable the "quota" to be maintained. On this particular symptom, marking a stage in progressive decrease, Dr. H. H. McIntyre writes:

ADMITTED REDUCTION IN STANDARD SIZE OF SKINS IN 1883.

After 1883 the sizes decreased, and have constantly decreased ever since. Last year [1887] they [the London buyers] sent an urgent appeal to take larger skins, as the sizes were running down; but we were unable to respond, and during the present season the catch averages still smaller in size. H. R., 50th Cong., 2nd Sess., Report No. 3883, p. 118.

Further facts bearing directly on this point will be found at pp. 232, 233 of this Counter-Case, and in the Report of the British Commissioners on this subject, so that it is unnecessary here to follow it at greater length. British Commissioners' Report, paras. 694-303.

DECREASE IN SEALS IS ATTRIBUTED TO PELAGIC SEALERS ON UNTRUSTWORTHY DATA.

In the endeavour made, in the Case of the United States, to fix the whole responsibility for an observed decrease of seals on the Pribyloff Islands upon the pelagic sealers, the arguments advanced are founded on so long a train
171 of untrustworthy data, that it is not possible here to controvert them in logical order without passing in review nearly all the topics relating to seal life which are dealt with in this Counter-Case. The loss of seals killed at sea is greatly exaggerated and hypothetical figures are thus arrived at for the total number of seals killed at sea, which, as elsewhere shown, are erroneous. The proportion of females and the percentage of those which are still carrying their young are in like manner exaggerated, and the fact that no corresponding decrease of seals at sea has occurred is ignored or denied. Pp. 187 *et seq.*

BRIEF EXAMINATION OF THESE DATA.

In order to understand the actual character of the contention now advanced on the part of the United States, it is necessary to bear in mind the following material facts:

1. It is alleged that the seals killed upon the Pribyloff Islands are young males only, say, under varied conditions, males of from 3 to 5 years of age.

2. It is asserted in the Case of the United States that almost all the seals killed at sea are females, and that a vast majority of these are (to the south of Behring Sea) gravid females and (in Behring Sea) nursing females.

3. It has been shown above, and is elsewhere further demonstrated, that the decrease on the Pribyloff Islands had reached serious proportions as early as 1879, and that the date assigned in the Case of the United States (1884), on the authority of retrospective statements only, is erroneous.

4. It is further shown by the official Reports of the United States, that the decrease observed and complained of in 1879 and in following years occurred in "killable" young males.

DATA ASSUMED BY UNITED STATES IMPLY THAT OBSERVED DECREASE MUST BE DUE TO KILLING SOME YEARS BEFORE THE DECREASE.

It is thus apparent, in conformity with the position assumed in the Case of the United States itself, that any scarcity of seals observed on the Pribyloff Islands, if due to pelagic sealing, cannot have resulted from the killing of such animals at sea in the same year, but must have been the effect of the killing of females with young, or of nursing females, three or four years before the actual scarcity of "killables" complained of on the islands became manifest.

Thus, in accordance with the contention now advanced by the United States, the difficulty in obtaining the "quota" in 1884 must not be attributed to any killing at sea in that year, but must have been consequent on such killing in 1881 and in preceding years.

172

STATISTICS IN UNITED STATES CASE ITSELF SHOW THAT ALLEGED FIRST DECREASE WAS NOT DUE TO PELAGIC SEALING.

United States Case, p. 366.

The accuracy of statistics of seals killed at sea given in the Case of the United States is not conceded; but, even assuming these as a basis of argument, it is found that the total pelagic catch in 1879, 1880, and 1881 averaged but 13,200 skins; and, as shown elsewhere, the first pelagic sealing within the limits of Behring Sea (by the United States vessel "San Diego") was attempted in 1881, while it was not till 1884 that a Canadian vessel (the "Mary Ellen") first entered that sea for purposes of sealing.

British Commissioners' Report, para. 67.

In the years preceding 1879 the whole number of seals killed at sea (still employing the figures given by the United States) had been comparatively insignificant.

Thus, the diminution in "killables" claimed to have been first observed on the islands in 1884, must have been due to the loss of at most 6,600 male pups in the years 1879, 1880, and 1881.* When it is borne in mind that the legal "quota" upon the Pribyloff Islands in each year was 100,000, the unfounded nature of the contention now held by the United States in respect to the effect of pelagic sealing becomes sufficiently apparent.

BUT IF CORRECT DATA BE EMPLOYED, THIS BECOMES STILL MORE OBVIOUS.

But if the new contention alluded to (here accepted merely for purposes of discussion) is discarded, and the facts disclosed in the official Reports of the United States are regarded instead, the extraordinary character of the accusation levelled against pelagic sealing, and pelagic sealing alone, becomes still more apparent. These facts

* This is on the assumption that *all* the seals killed at sea were gravid females, and that the sexes of the young lost were equally divided on this point (see pp. 200 *et seq.*).

show that the difficulty in securing the "quota" on the islands was felt as early as 1879, or at a date two years before *any* vessels had entered Behring Sea for purposes of pelagic sealing. If therefore the scarcity of young males then apparent on the Pribyloff Islands be attributed to killing at sea, it must have resulted from such killing in 1875, 1876, and 1877, which in those years (assuming the figures printed by the United States) amounted only to 1,646; 2,042; and 5,700 seals in all; and this entirely outside the area of Behring Sea.

NO DECREASE OBSERVED AT SEA.

It must further be remembered that the number of
173 skins constituting the North-west Catch as stated on the part of the United States is known to include all skins brought by vessels to Pacific ports, and that of these a considerable proportion (particularly in the earlier years) was derived from raids made upon the Kurile and Commander Islands. Further, that the scarcity of young male seals upon the Pribyloff Islands, so far from establishing general decadence in seal life, has been counter-balanced, according to a great mass of trustworthy evidence, by an increasing abundance of seals at sea.

REASON FOR DIFFERENCE OF BRITISH AND UNITED STATES STATISTICS.

The difference actually existing between the figures given for pelagic sealing in the Case of the United States and in the Report of the British Commissioners, results chiefly from the absence of data respecting the catches of vessels sailing from United States ports and engaging in this industry. For years previous to 1885, reasonably accurate approximations exist for the catch of Canadian vessels, and from that year onward correct statistics are available for these vessels. The wholly untrustworthy character of the information available in respect to United States sealing vessels cannot be better illustrated than by a reference to the data supplied for the year 1892, and quoted in the Report of the British Commissioners. Therefore, the general statement given by the British Commissioners is much more accurate than that printed on the part of the United States, which has nevertheless been employed above as a basis of argument.

British Commissioners' Report, Appendix F, Table (C), p. 206. See p. 207.

DATE OF DECREASE FIXED IN THE UNITED STATES CASE OPPOSED TO PREVIOUS OFFICIAL REPORTS.

It must not be forgotten, in this connection, that the position now taken and the dates fixed in respect to a decrease of seals by the United States are both wholly new. As late as 1888, the Special Treasury Agents on the Pribyloff Islands had reported a continued increase of seals there, and the whole of the evidence now brought forward on this point rests, not on the contemporaneous Reports of Agents, but on retrospective affidavits and opinions of a very late date, together with certain observations on the islands themselves, made in 1891, which are subsequently referred to.

H. R., 51st Cong., 1st Sess., Ex. Doc. 450, p. 41. Also H. R., 50th Cong., 2nd Sess., Report 3833, p. 72.

UNITED STATES ESTIMATE OF THE AMOUNT OF DECREASE.

As to the amount of the decrease, no agreement appears to have been arrived at by the Commissioners. In the Case of the United States, the "extermination" of the seals is spoken of as being a certainty in the near future under the present conditions, so that it may be assumed that the decrease is believed to be very great. This is, in
174 fact, elsewhere referred to in the Case as "the enormous decrease." The United States Commissioners write:

United States Case, p. 338.

> It may therefore be accepted as an undisputed fact that the seal population of the islands is greatly below what it was for many years,

and likewise speak of proximate "commercial extinction" under the present conditions. It is proper to remark, however, that the United States Commissioners state their belief that—

NUMERICAL DATA UNTRUSTWORTHY.

H. R., 51st Cong., 1st Sess., Ex. Doc. 450, p. 41. Also H. R., 50th Cong., 2nd Sess., Report 3833, pp. 332, 333.

> most, if not all, of the published estimates of the number of seals hitherto found on these islands are exaggerated. . . . . In short, one can say with much more certainty that there are fewer seals here now than five years ago than he could attempt a comparison by means of an actual or rather an assumed census.

EXPLAINING THE EXAGGERATED ESTIMATES OF DECREASE.

The numerical statements thus repudiated by the United States Commissioners are those of the accredited Agents of their own Government on the Pribyloff Islands; but in distrusting these figures, as well as in attributing exaggeration to the former estimates of number, they are in accord with the British Commissioners, who, writing of the islands alone, and without considering the number of seals met with at sea, say:

British Commissioners' Report, paras. 52. 357, 368, and especially 365.

Ibid., paras. 90, 91.

> A study of the available published data, made in connection with a personal examination of the various breeding-grounds themselves, has convinced us, however, that some, if not all, the estimates of the total number of seals made in the earlier years of the term of the Alaska Commercial Company have been greatly exaggerated, while reports made in 1890, however accurate in themselves, have, because compared with these overdrawn estimates, exaggerated the amount of the decrease. The alarming forecasts as to the condition of the breeding islands, based upon reports made in 1890, have, fortunately, not been verified by the facts in 1891, as personally observed by us.

IMPROVEMENT IN 1892.

It is important to note that in 1892, so far from there being any continued deterioration of the condition of the "rookeries" on the Pribyloff Islands, the observations of Mr. Macoun show a substantial improvement and an increase in the numbers, particularly of young males, which had during the years 1890 and 1891 been granted a partial immunity from the enormous draft hitherto annually made upon them to fill the "quota."

Appendix, vol. i, p. 151.

175 OTHER MEANS OF ESTIMATING DECREASE EMPLOYED BY UNITED STATES ALSO UNTRUSTWORTHY.

In the absence of direct numerical data, the United States Commissioners base their statements as to the *recent* and *great* decrease of seals on the Pribyloff Islands chiefly upon the existence and dimensions of what they call the "yellow-grass zone," or, as named by the British Commissioners, the "grass limit." A rather well-marked zone or limit of this kind, indicated by a different and shorter growth of grass, is observable about most of the rookery or breeding grounds of the seals, as a strip differing in colour from the rest, and extending beyond the edges of the ground in actual occupation by the seals; and, further, in many places, rocks long resorted to by the seals have become polished on the angles and edges.

EXAMINATION OF THE FACTS BY THE RESPECTIVE COMMISSIONERS.

These features attracted the attention of both the British and United States Commissioners, and were investigated by them. In order to support the particular contention held by the United States, it is necessary to assume that the seals at one and the same time occupied the ground completely to the outer margin of the "grass limit," and that this occurred within recent years. It is naturally easy to find natives, and others who have been upon the islands, and have only lately had their attention called to the matter, expressing opinion that this was the case; but it is submitted, in view of the facts hereinafter shown, that evidence of this kind is of no practical value.

United States Case, pp. 339–341. Also British Commissioners' Report, pp. 384–387.

RESULT ARRIVED AT BY BRITISH COMMISSIONERS.

The whole subject, above briefly alluded to, has been very carefully studied by the British Commissioners, and, though their Report must be referred to for details, it may be stated that they believe the "grass limit" to mark only the maximum average range of oscillation of the breeding rookeries, and show that it is often reached or passed at the present time, particularly during the latter part of the breeding season, by roving masses of seals. They write:

British Commissioners' Report, paras. 377–395.

It may therefore be stated, in concluding the consideration of this subject, that neither the extent of the seal-polished rocks nor that of the "grass limits" in the vicinity of the breeding-grounds can be trusted to for the purpose of giving information as to changes in area or position of ground occupied by seals in recent years as contrasted with that at present occupied. Far less can it be taken to indicate in any reliable manner the numerical decrease in the seals in these
176 years, or be accepted in place of the annual details on this subject which an intelligent supervision of the rookeries would have exacted as a matter of prime importance, but which are unfortunately wanting, and can only be in part supplied by incidental allusions or collateral observations which have been preserved.

Ibid., para. 395.

CONFIRMED BY OBSERVATIONS IN 1892.

Mr. J. M. Macoun, after a patient and scientific investigation of this subject in 1892, has reached conclusions which fully bear out the statement just quoted. After detailing his observations, he writes:

Appendix, vol. i, pp. 150, 151.

> When on the islands I was again and again told that the yellow grass marked the limit to which seals had reached. Admitting this to be true, there is no way of determining what proportion of this ground has been occupied by seals at one time. The lichen-covered rocks prove that much of it has been deserted by them for many years, while there are other parts of it that exhibit unmistakable evidence that seals have been on it within a few years; and in yet other cases seals were seen in great numbers in 1891 and 1892 hauled-out to the extreme edge of the ground defined by yellow grass, and in not a few instances a long way beyond it.
>
> When the rookeries on St. Paul Island were last visited in September, it was found that at all the larger rookeries, such as Reef, Tolstoi, and Polavina, the seals had hauled-out as far as there was any signs of there ever having been before, and in many cases much farther: photographs showing this were taken at all the principal rookeries.

OBSERVATIONS AT SEA, AS WELL AS ON ISLANDS, MUST BE CONSIDERED IN JUDGING OF INCREASE OR DECREASE.

British Commissioners' Report, para. 93.

Another matter to which special attention is drawn by the British Commissioners, in respect to the whole number of seals, is the necessity of taking into account observations made at sea, as well as those made upon the breeding-islands, in order to arrive at a true conclusion respecting the increase or decrease of seals on the whole. They state that attention has heretofore been too exclusively given to the islands alone in this respect, and quote much evidence of a general kind, to show that no decrease corresponding with that observed on the islands has been met with at sea.

Statistics show no decrease at sea.

Ibid., paras. 223, 403–406.

They have also, for the purpose of arriving at greater certainty in this matter, instituted a comparison of the actual number of seals taken at sea relatively to the numbers of boats and the numbers of men employed for five years, 1887 to 1891, both inclusive. The figures thus obtained show a practical uniformity in catch during these years; though at the same time nearly all the evidence shows that the seals are yearly becoming more wary and difficult of approach, and the statements of Indian hunters prove that they usually keep further from land than before.

Ibid., para. 399.
Ibid., para. 407.
Ibid., paras 408–426. See also Evidence, 1892, Appendix, vol. ii, pp. 140–156.

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STATISTICS FOR 1892 INDICATE AN INCREASE.

The catches made by Canadian sealing vessels in 1892, as compared with those of 1891, show a decreased number of skins in proportion to the number of vessels employed. This circumstance is, however, fully accounted for as a result of the *modus vivendi* of 1892. Notwithstanding the *modus vivendi* of 1891, a considerable proportion of the catch of that year was taken in Behring Sea, but in 1892 scarcely any of the vessels entered Behring Sea, and it is known that the total catch in the eastern part of Behring Sea did

not exceed 500 skins. While many of the vessels returned to Victoria on being notified, and thus curtailed their ordinary sealing season, some went across to the Asiatic side; but, in consequence of the time consumed in the voyage over, or of other circumstances, the catch obtained there averaged much less than that made in the eastern part of Behring Sea in 1891, being, in fact, 477 skins per vessel instead of 677.

If, however, the effect of the *modus vivendi* on the catch be eliminated, by instituting a comparison between the number of skins taken on the eastern side of the North Pacific to the south of Behring Sea alone, in 1891 and 1892 respectively, the catch will be found to be actually greater in 1892. In the region specified, the average catch per vessel was, in fact, 419 in 1891, but rose to 485 in 1892, and this in face of the employment of a larger number of Canadian vessels. There is, therefore, good reason to believe that there has been a substantial increase in the number of seals met with at sea in 1892 as compared with 1891.

EVIDENCE CITED BY UNITED STATES TO SHOW DECREASE AT SEA THROWS LITTLE LIGHT ON THE QUESTION.

It will be noted, that nearly all the statements quoted in the Case of the United States respecting the scarcity of seals on the open sea, are derived from Indians, whose knowledge is chiefly that obtained in canoes in the vicinity of the coast, and therefore corresponds generally with that given by similar witnesses to the British Commissioners, and affords little, if any, real information as to the general abundance of seals at sea. United States Case, pp. 169–172.

These Indians, inhabiting the coast of the continent, are in most, if not in all cases, necessarily ignorant of the enormous annual slaughter of seals made on the
178 breeding-islands; and, for this reason, the fact that they attribute any scarcity of seals observed by them to the acts of their rivals, the pelagic sealers, (of which besides their own hunting they are alone cognizant,) must be accepted with great reservation, as evidence respecting the effects of pelagic sealing.

It is further to be remarked, that the evidence obtained from Indian witnesses, and printed in the Case of the United States, appears to have been either very incorrectly translated or very imperfectly set down. Thus, for example, of twelve Indians examined by the United States Agents at Barclay Sound, eight have since been examined by Mr. Sherwood, and on important points contradict the statements previously attributed to them. Appendix, vol. ii, pp. 140–165.

METHODS PRACTISED ON THE ISLANDS DRIVE THE SEALS TO SEA.

The greater proportionate number of seals now met with at sea, as compared with those on the breeding-islands, is largely explained by the disturbances to seal life incident

British Commissioners' Report, paras. 427-446.

to the methods practised on the islands; of which evidence is quoted by the British Commissioners, and it is said that—

Ibid., para. 445.

> the general effect of these changes in habits of the seals is to minimize the number to be seen at any one time on the breeding islands, while the average number to be seen at sea is at least proportionately, though, perhaps, in face of a general decrease in total number of seals, not absolutely, increased.

LATE EVIDENCE SHOWS INCREASE (OR NO DECREASE) AT SEA.

It will, in addition, be found, that in the large mass of testimony collected in 1892, and presented in the Appendix to this Counter-Case, in reply to United States contentions, both whites and Indians are almost unanimous in denying the existence of a decrease of seals at sea; and that many experienced men affirm their greater abundance. That, while the Indians sealing from the coast believe the seals to be less numerous in proximity to the shores, they attribute this in part to a change in habits resulting from persistent hunting, in part to the absence of large runs of small fish, such as herrings. When small fish are abundant on the coast, the seals are more numerous, and are found even to enter the inlets and bays in pursuit of such fish.

GENERAL CONCLUSIONS ON DATE AND AMOUNT OF DECREASE OF SEALS.

Finally, in reviewing the whole of the facts and evidence collected by them on the nature and amount of the decrease in the fur-seals of the North Pacific, the British Commissioners write that they are led to believe—

Ibid., para. 94.

> 179 that there has been, in the main, a gradual reduction in the total volume of seal life in the North Pacific, dating back to a period approximately coincident with the excessive and irregular killing on the Pribyloff Islands in 1867 to 1869, but that this reduction in total volume has not in late years been nearly so rapid as the observed decrease in numbers upon the Pribyloff breeding islands in the corresponding years.

So large a part of the Report of the British Commissioners is devoted to the subjects included under the contentions in the Case of the United States, which stand at the head of this chapter, that it is not here considered necessary to give more than a brief abstract, in which the conclusions arrived at occupy the principal place. An examination of the Report itself is respectfully invited.

The facts observed by Mr. Macoun in 1892, together with the evidence obtained from a large number of practical and experienced sealers, further tend to bear out the conclusions arrived at by the British Commissioners in every respect.

It is submitted that the facts above stated demonstrate that the commencement of the decrease of seals on the Pribyloff Islands had been distinctly observed upon these islands for some years before pelagic sealing developed to any substantial degree, and many years before it could have had any practical effect on the number of killable males on the islands.

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CHAPTER XI.

Allegations made in the Case of the United States against Pelagic Sealing, and Replies thereto.

THE UNITED STATES CONTENTIONS.

(1.) United States Case, p. 174—
"It has also been shown that the decrease in the seals took place primarily among the female portion of the herd."
(2.) United States Case, p. 177—
"The sole cause of the present depleted condition of the Alaskan seal herd is open-sea sealing."
(3.) United States Case, p. 187—
"Open-sea sealing, the sole cause of the enormous decrease noted in the Alaskan seal herd in the last few years, and which threatens its extermination in the near future. . . . ."
(4.) United States Case, p. 188—
"About 1885 a new method of hunting was introduced which has been the great cause of making pelagic seal hunting so destructive and wasteful of life—the use of fire-arms."
(5.) United States Conclusions, p. 296—
"That this decrease began with the increase of such pelagic sealing, and that the extermination of this seal herd will certainly take place in the near future, as it has with other herds, unless such slaughter be discontinued."
(6.) United States Case, p. 218—
"The indiscriminate slaughter of seals in the waters of the Pacific Ocean and Bering Sea cannot fail to produce a result similar to that observed in the southern hemisphere, where the fur-seals have, except at a few localities, become, from a commercial point of view, practically extinct."
(7.) United States Case, p. 196—
"When the estimate, therefore, is placed at sixty-six seals unsecured out of every 100 killed with fire-arms, the probability is that the percentage lost is even more."
(8.) United States Case, p. 197—
"From 80 to 90 per cent. of the seals killed in the open sea are females, the majority of which are either pregnant, or having been delivered of their pups, are the sole means of sustenance for their offspring."
(9.) United States Case, p. 209—
"They (the cows) go into the water in search of food, in order that they may be able to supply their offspring with nourishment. And as has been shown, they often go from 100 to 200 miles from the islands on these excursions. It is while absent from the rookeries feeding that they fall a prey to the pelagic seal hunter."
(10.) United States Case, p. 212—
"When sealing vessels began to enter Bering Sea in pursuit of the seal herd (1884-85), at that same period dead pup seals on the rookeries first drew the attention of the residents of the Pribilof Islands."
(11.) United States Case, p. 216—
"Between 80 and 90 per cent. of the seals taken are females; of these at least 75 per cent. are either pregnant or nursing."
181 (12.) United States Case, p. 297—
"That pelagic sealing is an illegitimate, improper, and wasteful method of killing, is barbarous and inhuman in its immense destruction of the pregnant and nursing female, and of the helpless young thereby left to perish."

(13.) United States Case, p. 190—
"The White hunter . . . . loses a great many seals which he kills or wounds."
(14.) United States Case, p. 155—
"It is a conservative estimate to say that such hunters lose two out of every three seals shot by them."

Summary of British Reply.

Pelagic sealing in the North Pacific is in no way analogous to the methods employed in the Southern Hemisphere.

The method of killing seals ashore on the Pribyloff Islands are similar to those by which depletion has been brought about in the Southern Hemisphere.

The actual loss of seals shot at sea, due to the sinking of the body before it can be recovered, is very small.

The number of fatally wounded seals which escape capture is also very small. The substitution of the shot-gun for the rifle, by rendering close approach to the seal necessary, has greatly reduced this and other losses.

The percentage of females alleged in the Case of the United States to be taken at sea, is greatly exaggerated. The statements there made depend chiefly on the examination of cured skins. But it is in general impossible to distinguish the sexes of the animals from which they are taken.

The killing of animals of the female sex yielding products of commercial value is not *per se* reprehensible; and the larger proportion of female seals found at sea in late years is the direct result of the excessive killing of males upon the breeding-islands.

The killing of gravid or nursing females at sea, in common with other sources of loss incident to pelagic sealing, is much exaggerated in the Case of the United States; but the killing of such females can, and should be, obviated as far as possible in any common scheme of Regulations agreed upon for the seal fishery as a whole.

The contention that young seals have died from starvation upon the Pribyloff Islands, in consequence of the killing of their mothers at sea, is untenable, and it is based upon a considerable mortality of "pups" on St. Paul Island in 1891. The death of young seals upon the islands during the breeding season has long been known to occur, and has always heretofore been explained by other obvious causes.

The circumstances attending the mortality of young seals in 1891 show that it cannot be attributed to the killing of the mothers at sea. The recurrence of an equal mortality in 1892, when practically no seals were killed in Behring Sea, fully confirms this conclusion.

The theory advanced in the Case of the United States respecting the cause of death of the "pups"; depends on the assumption that the females go to very great distances from the islands in search of food while suckling, which is here disproved; and it is further denied by the best authorities on the fur-seal.

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182 NO PARALLEL CAN LEGITIMATELY BE DRAWN BETWEEN THE SLAUGHTER OF SEALS IN THE SOUTHERN HEMISPHERE AND PELAGIC SEALING IN THE NORTH PACIFIC.

Before discussing the main contentions of the United States as to pelagic sealing, it will be convenient to comment upon the parallel attempted to be drawn in the two passages last above cited from the United States Case, between pelagic sealing and the results of sealing in the Southern Hemisphere.

United States Case, pp. 218, 296. Ibid., Appendix, vol. i, p. 393, *et passim.*

The destruction of seals in the south is alluded to repeatedly and at length in the Case of the United States, as though connected in some way with pelagic sealing.

In view of the attempts thus made to parallel the conditions and probable results of pelagic sealing in the North Pacific, with the destruction of fur-seals in the Southern Hemisphere, it cannot be too clearly understood that there

is nothing in common between the two modes of taking seals. The hunting of seals at large on the sea-surface has never prevailed in the Southern Hemisphere; and though, because of the necessity of reaching the insular resorts of the seals there by sea, we hear of a "sealing fleet," the method of taking seals practised has been to land upon the shores where the breeding places of the seals are found, and there to slaughter the animals with clubs.

British Commissioners' Report, para. 65.

THE METHODS PRACTISED ON THE PRIBYLOFF ISLANDS ARE SIMILAR TO THOSE PRACTISED IN THE SOUTHERN HEMISPHERE.

On the other hand, the actual mode of killing the North Pacific seals on their breeding-islands, and when congregated there for purposes connected with reproduction, is analogous to, and may be considered as but a modified form of the practices employed in the Southern Hemisphere; from which, though some of the more wasteful, and therefore the more objectionable, features have been eliminated, it has been directly derived. In fact, it is a matter of record that Captain Morgan, one of the two prime movers in the matter of arranging for the lease of the Pribyloff Islands to a Company, and who was a party to the enormous slaughter of 1868, had gained his experience in the slaughter of fur-seals in the Southern Hemisphere; and that Mr. C. A. Williams, who, after the organization of the Company leasing the islands became one of its principal shareholders and managers, had already long been identified with the indiscriminate slaughter of fur-seals in the Southern Hemisphere.

H. R., 50th Cong., 2nd Sess., Report 3883, p. 88.

Elliott's Census Report, p. 25.

Mr. Williams himself acknowledged the similarity existing between the methods first practised on the islands
183 and those employed in the Southern Hemisphere, and, according to Mr. Hutchinson, who was also a party to the enormous slaughter of 1868:

Elliott's Census Report, p. 88.

> Morgan's men killed old seals, cows, or anything they came across. The idea was to get all they could.

H. R., 44th Cong., 1st Sess., Report No. 623, p. 133.

PELAGIC SEALING IS A NEW INDUSTRY OF LOCAL ORIGIN.

Respecting the origin of pelagic sealing and its total diversity from any mode of sealing practised in the Southern Hemisphere, the British Commissioners have accumulated many facts. They write:

> It may here be particularly noted that the industry [pelagic sealing] thus developed in consequence of peculiar local conditions, had never elsewhere appeared as a factor of commercial importance, and that in so far as we have been able to discover by inquiries specially directed to this point, no vessels carrying hunters for the purpose of taking seals at large on the sea-surface had ever before frequented any seas anywhere. The vessels sailing from New England and from some British ports, which formerly in considerable numbers made sealing voyages to the Southern Hemisphere (para. 834 *et seq.*), slaughtered the seals there only on shore and at the breeding-places, and this without any respect for the rights of territorial dominion or property over the islands they frequented. The "sealing fleet" employed in the Southern Hemisphere has, therefore, at no time been of the same character with that engaged in pelagic sealing in the North Pacific.

British Commissioners' Report, para. 65.

LONG BEFORE ITS DEVELOPMENT THE SEALS ON THE PRIBYLOFF ISLANDS HAD ON SEVERAL OCCASIONS BECOME MUCH REDUCED.

Ibid., paras. 782–806.

Perhaps the most important point omitted from the United States Case, in connection with the contention now held in respect to the effect of pelagic sealing, is the fact that on more than one occasion during the Russian régime, and many years before any seals were taken at sea, the supply of seals on the Pribyloff Islands fell so short that commercial extermination actually threatened. In these recorded cases the dearth was due either to want of care and proper restrictions in the slaughter on the islands themselves, or to some natural cause, such as that of climatically unfavourable years. It is the result of experience that, by means of excessive slaughter or disturbance on the islands, the seals may without difficulty be seriously reduced in number, or driven away to sea or to new breeding resorts, while no such experience is available to substantiate the new contention advanced as against sealing at sea.

In his statement, printed in the Appendix to the
184 United States Case, Professor Huxley, on the subject of the possibility of destroying the seals when on these breeding-islands, writes:

United States Case, Appendix, vol. i, pp. 411, 412.

> In the case of the fur-seal fisheries, the destructive agency of man is prepotent on the Pribyloff Islands. It is obvious that the seals might be destroyed and driven away completely in two or three seasons.

The British Commissioners record a very similar opinion on this subject, and add:

British Commissioners' Report, paras. 117, 118.

> In sealing at sea the conditions are categorically different, for it is evident that by reason of the very method of hunting the profits must decrease, other things being equal, in a ratio much greater than that of any decrease in the number of seals, and that there is therefore inherent an automatic principle of regulation sufficient to prevent the possible destruction of the industry if practised only at sea.

IT IS, HOWEVER, MAINTAINED IN THE UNITED STATES CASE THAT PELAGIC SEALING IS THE SOLE CAUSE OF DECREASE OBSERVED ON PRIBYLOFF ISLANDS.

It is apparent from the quotations placed at the head of this chapter, that it is maintained on the part of the United States that pelagic sealing is the *sole* cause of the decreased number of seals now found on or about the Pribyloff Islands; and, as shown elsewhere, that the slaughter of seals upon the islands themselves has had no effect in bringing about such decrease.

PELAGIC SEALING IS THERE CONDEMNED ON SEVERAL GROUNDS.

In support of this proposition, a lengthened indictment of the methods and results of the pelagic sealing is framed in the Case of the United States, of which the following are the material allegations:

(*a.*) That of fur-seals killed at sea with fire-arms at least 66 per cent. are lost, and that this loss occurs in two ways: (1) by the seals sinking before they can be secured, and (2) by fatally-wounded seals escaping. United States Case, pp. 190, 196.

(*b.*) That from 80 to 90 per cent. of the seals killed at sea are females, and that of these at least 75 per cent. are either pregnant or nursing. Ibid., pp. 197, 296.

(*c.*) That, in consequence of the killing of nursing females at sea, dead "pups" have been found in increasing numbers on the Pribyloff rookeries every year since pelagic sealing began in Behring Sea, and that such "pups" died from starvation. Ibid., p. 212.

IT IS STATED TO BE ILLEGITIMATE, IMPROPER, BARBAROUS, AND INHUMAN.

These allegations directed against pelagic sealing are employed by the United States to support the further statement—

that pelagic sealing is an illegitimate, improper, and wasteful method of killing, is barbarous and inhuman, Ibid., p. 297.

185 and that—

it is wholly destructive of the seal property and of the industries and commerce founded upon it. United States Case, p. 297.

BUT ALL THE ALLEGATIONS ON WHICH THIS DENUNCIATION ARE BASED ARE UNTRUE, OR GREATLY EXAGGERATED.

While it is not denied that there is or may be a measure of truth in some of the contentions thus held by the United States, it is maintained in the light of evidence collected, and more particularly as the result of the investigations of the British Commissioners, that they are of a greatly exaggerated character. Ibid., pp. 147, 296, *et passim.*

EVIDENCE PRODUCED TO SHOW GREAT LOSS OF SEALS BY SINKING, BEFORE THE DATE OF BRITISH COMMISSIONERS' REPORT, WHOLLY UNTRUSTWORTHY.

(*a.*) *That of fur-seals killed at sea with fire arms at least 66 per cent. are lost, and that this loss occurs in two ways:* (1) *by the seals sinking before they can be secured, and* (2) *by fatally-wounded seals escaping.*

As to the first of the above contentions, which is connected with the actual loss of seals killed at sea by sinking after they are shot and before they can be recovered by the hunters:—For some time previous to the preparation of the Report of the British Commissioners, many statements as to the extraordinary proportion of seals lost at sea had found currency, more particularly in the press of the United States, which were again and again published as though possessed of the utmost authenticity, and they had in consequence come to be regarded as accurate by the public. It was thus natural that the British Commissioners should devote special attention to this point, British Commissioners' Report, paras. 82, 613, 614.

and they made it their business to seek out all the actual or alleged facts on which such sweeping statements were based. They have referred to all those which a thorough
Ibid., para. 614. search of the published documents enable them to discover up to the date in question, and it will be observed, on inspection of these statements, that not one of them depends on personal experience; but, on the contrary, that all are merely given by their authors as matters of opinion, while in all but a single instance, it is not even claimed by the author of the statement that he ever saw a single seal killed at sea. Percentages and ratios are thus alone spoken of, and actual numbers are not known, or if known are not quoted.

REMARKS OF THE BRITISH COMMISSIONERS ON THIS EVIDENCE.

The British Commissioners write:

Ibid, para. 615. Nothing more precise than the statements just quoted, every one of them made by those presumably interested in, or engaged in,
186 protecting the breeding-islands, but without personal experience in this matter, has been found as authority for the theory which has been so diligently propagated, that excessive waste of seal life results from the practice of pelagic sealing.

In opposition to the hypothetical statements above referred to, the British Commissioners adduce a mass of expert testimony, which will subsequently be alluded to, and which, without a single exception, entirely and specifically contradicts the theory alluded to.

IN 1892, NEW EVIDENCE ADVANCED BY THE UNITED STATES ON THIS MATTER.

At a later date, however, in 1892, the United States has obtained from various sources a considerable number of affidavits and statements intended to bear out the theory of excessive losses of seals at sea, all of which have seen the light for the first time in the Case of the United States, or among the documents appended to it, and respecting the character and value of which some critical remarks will subsequently be made.

THE UNITED STATES COMMISSIONERS ARE NOT QUOTED IN SUPPORT OF THE STATEMENT ON THIS SUBJECT IN THE UNITED STATES CASE.

United States Case, pp. 370, 371. The United States Commissioners present no direct evidence on this subject, and their opinion is not quoted in support of the assertions made in the Case itself of the United States.

PROFESSOR ALLEN'S DEFINITE STATEMENT.

Ibid., p. 191. Professor J. A. Allen is, however, prominently cited, being upon this as upon most other subjects perfectly definite, though claiming no personal experience or special

sources of information in addition to those accessible to the public previously, or now submitted in connection with the Case of the United States. He characterizes statements to the effect that not more than 5 per cent. of seals shot are lost as "absurd," and goes on to say that—

only such seals as are instantly disabled can be secured, and even many of these must be lost, since the specific gravity of a dead seal is greater than that of the water in which it is killed. Ibid., Appendix, vol. i, p. 409.

He proceeds to argue that further great losses must arise from wounded seals which are not taken, and concludes that about 60 per cent. of the seals killed at sea are lost by sinking before recovery alone.

THE FACTS ARE OPPOSED TO THE CONTENTION (7.), AND TO PROFESSOR ALLEN'S STATEMENT.

It is only by ignoring the well-known facts as to the recovery of fur-seals which have been shot in the open sea, that the argument that they sink immediately can possibly be brought forward.

EVIDENCE OF MR. ALEXANDER.

With reference to this question, Mr. A. B. Alexander, Fishery Expert to the United States Fish Commission, says:

187 In sleeping, the seal's head is to leeward and the steerer will endeavour to work the boat so as to approach from that direction and give the hunter an opportunity to shoot the seal in the back of the neck. When so shot they take longer to sink than when shot in the face; that is, if a seal bobs up in the water, its body being in a submerged and horizontal position, and if it be instantly killed by the shot it will at once sink. It is then that the 8 or 10 foot gaff is used to recover it. It has been my observation that the rapidity with which seals sink is influenced by several conditions. A pregnant female will sink less quickly than a male of equal size. If a seal be shot at a time when the air is well exhausted in the lungs, it will sink more quickly than if killed when the lungs are inflated. If a seal is asleep and shot in the back of the head it will float for several minutes, thus enabling the hunter to secure it. United States Case, Appendix vol. ii, p. 355

FACTS RESPECTING THE KILLING AND RECOVERY OF SEALS AT SEA.

As regards the length of time for which fur-seals float after being shot at sea, hunters are practically unanimous in saying that, in the great majority of cases, they always float for a sufficiently long time to enable them to be secured, if they are looked after at once after being shot. Sometimes, however, a second seal will be seen close at hand, and may be fired at before the endeavour to secure the first, which in the meantime occasionally sinks. Under ordinary circumstances, a seal is picked up as soon as possible after it is shot, and nothing more is known of the length of time it would float than that it floated until secured. Seals are, moreover, occasionally shot from the deck of the schooner itself. If the vessel is under way, a pole heavily leaded at one end and with a small flag attached to the other, is at once thrown overboard, which marks the position of the seal. A boat is lowered as soon as possible, and, with very few exceptions, the seal is secured, even under these circumstances. Appendix, vol. ii, pp. 7–10.

CHARACTER OF BOATS EMPLOYED IN SEALING.

The boats employed in sealing are light, swift craft, with bow-shaped ends, and the oarsmen sit one facing each way, ready, at a word from the hunter, to make after any seal he may hit.

CIRCUMSTANCES UNDER WHICH SEALS KILLED AT SEA ARE LOST.

Ibid., pp. 7–13. It is admitted by all the pelagic sealers, that a small percentage of seals is lost as above described, or in other ways, as, for instance, when a wounded seal goes off to windward faster than it can be followed by the boat in a choppy sea. Sleeping seals seldom, if ever, sink when shot, and probably three-fourths of the seals shot are "sleepers." When "travellers" happen to be shot through the windpipe they generally sink, and, in consequence of this
188 fact, experienced sealers generally try to shoot such seals from behind. Such seals as do sink, however, sink slowly the specific gravity of the body being only slightly greater than that of the water, even when the breath has escaped. Thus, it is generally possible to gaff the carcass, and, in ordinary "sealing weather," the precise spot where the seal has been killed is easily found by the bubbles rising to the surface, or by the blood staining the water.

GENERAL STATEMENTS AS TO PROPORTION OF SEALS THUS LOST BY WHITE HUNTERS.

The evidence of a general kind actually quoted or personally obtained by the British Commissioners, in regard to the loss of seals killed at sea by white hunters, may be summarized as follows:

British Commissioners' Report, paras. 616, 622.

Captain J. D. Warren.—Not over 6 per cent. lost or escape.
Mr. W. Fewings.—Average loss does not exceed 6 per cent.
Captain H. F. Sieward.—Lower coast, not over 6 per cent. Alaskan coast and Behring Sea not over 4 per cent.
Captain W. O'Leary.—Does not exceed 6 per cent., and sometimes much less.
Mr. W. Munsie.—Probably not over 2 per cent.
Mr. A. R. Milne.—At most only 6 per cent.
Mr. C. J. Kelley.—Average loss less than 3 per cent.
Captain W. Petit.—Loss not more than 5 per cent.
Captain W. E. Baker.—Loss not more than 3 per cent.
Mr. C. N. Cox.—Loss 4 or 5 per cent.
Captain T. N. Magnesen.—Average loss 3½ per cent.
Mr. H. Crocker.—Loss 3 to 4 per cent.
Mr. G. Roberts.—Loss 3 to 5 per cent.
Mr. R. Thompson.—Loss 3 to 5 per cent.
Mr. M. Lundberg (with three other sealers), concurred in stating that a man losing 2 out of thirty killed would be considered a poor hunter. Say 6 per cent.
Captain Lavender.—Not over 7 per cent lost.
Sealers' Association of Victoria.—Loss averaged below 6 per cent.
Captain of "Eliza Edwards."—"Green hands" might lose 25 per cent. With experienced hunters loss might reach 5 per cent.

The following additional statements of the same kind, including experience in 1892, are found in the affidavits appended to this Counter-Case: Appendix, vol. ii, pp. 7–10.

Captain C. Le Blanc.—Never more than 4 or 5 in 100.
Captain R. O. Lavender.—Not more than 1 in 20.
W. O'Leary.—From 1 to 5 per cent.
Captain Laughlin M'Lean.—About half to 1 per cent.
J. Shields.—First years about 5 per cent.; 1891–92 less than 1 per cent.
189 *Captain T. Magnesen.*—Between 4 and 5 per cent.
Captain R. McKiel.—Of 1,700 seals taken 40 lost (2.3 per cent.).
Captain J. W. Todd.—Not more than 4 in 100.
J. J. Beckingham.—Not 1 in 100.
Captain H. B. Jones.—Not more than 3 in 100.
G. C. Gerow.—Not 1 in 18.
Captain J. Gaudin.—Not 5 per cent.
Captain C. F. Dillon.—Not more than 5 per cent.
Captain G. Scott.—5 per cent.
Captain G. Wester.—3 per cent.
Captain C. Lutjens.—5 per cent.
C. Hartiwen.—Not 5 per cent.
Captain J. S. Worth.—Between 10 and 15 per cent., including wounded seals.
Captain C. E. Mockler.—5 per cent.
W. F. Upson.—10 per cent.
F. Crocker.—From 5 to 10 per cent.
W. Conners.—5 per cent.
J. W. Crew.—5 per cent.

All the above statements of course refer to the killing of seals by means of fire-arms, and almost exclusively to killing with shot-guns. The rifle is now seldom used by white hunters, and the spear never. The spear is still employed by some of the Indian hunters, but the shot-gun is now more commonly used by them also, and by some tribes has been regularly employed for many years (by the Haidas since 1846). Most of the statements noted below in connection with numbers lost by Indian hunters thus also refer to seals killed with guns. British Commissioners' Report, paras. 584, 604. Ibid., paras. 539, 542, 548, 552, 554, 557; also Elliott's Census Report, p. 65; compare pp. 187, 188, United States Case.

GENERAL STATEMENTS RESPECTING THE PROPORTION OF SEALS LOST BY INDIAN HUNTERS.

In order to understand the bearing of these statements, it must be noted that the Aht Indians of Vancouver Island and the Makah Indians of Cape Flattery, are the only ones systematically, and to a large extent, employed in pelagic sealing proper. The statements of whites refer to Indian hunters of these tribes employed by them. The Sitka and Tshimsian hunters, to whom a high percentage of loss is attributed, in so far as they engage in seal hunting, do so almost exclusively in their own canoes from the shore. The statements referring to these Indians are quoted by the British Commissioners, but have no direct bearing on the losses of pelagic sealers. British Commissioners' Report, paras. 538, 551, 556. Ibid., para. 626.

The statements respecting seals lost by Indians may be summarized as follows:

Mr. W. Fewings.—Loss by Indians not 6 in 1,000. Ibid., paras. 617, 626.
Captain H. F. Sieward.—Very few lost (with spear).
190 *Captain W. O'Leary.*—None, or very few (with spear).
Captain W. Petit.—Loss 1 per cent
Mr. C. N. Cox.—Loss 1 per cent

Mr. A. Laing.—Loss 10 per cent.
Captain W. Cox.—Loss *nil* (with spear).
Judge J. G. Swan —All recovered, whether speared or shot.
Aleut Hunters.—Loss *nil*, whether shot or speared.
Sitka Hunters.—Loss, perhaps, 10 to 20 per cent. of seals shot.
Haida Hunters.—Seldom lose any.
Mr. A. Mackenzie.—Very few, indeed, lost of seals shot.
Mr. R. H. Hall.—Very few lost.
Mr. R. Cuningham.—Loss may reach 20 per cent. in the case of Tshimsian hunters.
Makah Hunters.—With spears, loss *nil*. With guns, perhaps 2 to 4 per cent.

GENERAL STATEMENTS CHECKED BY NUMERICAL STATEMENTS.

It is fair to state that most, though not all, of the statements heretofore given have been derived from persons more or less directly interested in pelagic sealing, from whom alone it is possible to obtain the results of extensive actual experience on the subject of losses at sea. The statements are, morever, also chiefly of a general character, but in order to further test the accuracy of such statements, the British Commissioners proceeded to collect facts as to the actual number of seals shot and recovered, or shot and lost by individual hunters in certain years, and in this manner succeeded in actually accounting for nearly 10,000 seals shot by white hunters. In tabulating these, a general agreement is found as between the percentages deduced from the individual statements, and the average loss reaches but 4 per cent.

THE AVERAGE LOSS BY SINKING OF SEALS KILLED AT SEA SHOWN TO BE ABOUT 3 OR 4 PER CENT. ONLY.

At the request of the British Commissioners, the masters of a number of sealing vessels directed their hunters to keep an account of the seals lost by sinking in securing their catches. This was done by many of the hunters, and from their sworn statements regarding their catches in 1892 and previous years an additional Table has been prepared, which shows that the average loss on 39,879 seals shot by white hunters was about 3 per cent. Where a general and a numerical statement have both been made, it is found that the general statement as to loss almost invariably exceeded the numerical, so that when a general statement only has been made, it probably exceeds the actual loss.

See Appendix, vol. ii, p. 6.

Similar treatment has also been accorded to such 191 actual numbers as could be obtained from Indian hunters, and though the whole number of seals accounted for in this case is small, and therefore not so satisfactory as evidence, so far as it goes this is in general accord with statements made.

British Commissioners' Report, para. 627.

THE ASSUMPTION THAT THE FUR-SEAL WHEN KILLED AT SEA SINKS IMMEDIATELY, CONTRADICTED BY FACTS.

In concluding their consideration of this subject, the British Commissioners point out how completely the recorded facts in the case contradict the *à priori* assumption

Ibid., paras, 629, 630.

that the fur-seal does, and must, sink immediately when shot. They state that such an assumption is based chiefly on the circumstances that various species of hair-seals generally thus sink, but show (1) that the two groups of animals differ greatly in respect to proportional weight of skeleton and size of lung, and (2) that when fat, even hair-seals are well known to float when killed. Two hair-seals shot near Middleton Island, Alaska, in the summer of 1892, in Mr. Macoun's presence, both floated till the bodies were recovered. In fact, a great number of such seals are annually taken both in the Labrador and Greenland fisheries by shooting in the water.

Appendix, vol. i, p. 136.

THE ASSERTION THAT LARGE NUMBERS OF WOUNDED SEALS ESCAPE AND DIE IS SO VAGUE AS SCARCELY TO ADMIT OF ARGUMENT.

As to the further assertion that large numbers of seals, being merely wounded when fired at, escape and subsequently die; it is obviously difficult to meet such a statement by direct evidence of a precise kind: for a seal fired at and not hit, or one but slightly wounded, naturally dives instantly, and does not again come to the surface for a long time, and then at a great distance from the hunters. Seals seriously wounded are almost certain to be recovered, for they either remain struggling on the surface, or travel slowly and rise often, and are easily overtaken.

Appendix, vol. ii, pp. 11–13.

THE ADOPTION OF THE SHOT-GUN NECESSITATES A CLOSE APPROACH TO THE SEAL RENDERING LOSS INFREQUENT.

Moreover, the general adoption of the shot-gun in place of the rifle, necessitating a comparatively close approach to the seals, minimizes the chances of missing the animal; while the evidence obtained from sealers shows that in practice they make sure of hitting by firing only when at close quarters.

CONTENTION THAT THE ESCAPE OF SOME WOUNDED ANIMALS RENDERS SHOOTING ILLEGITIMATE, UNPRECEDENTED.

It is not known that the escape of a certain proportion of any wild animals shot at and wounded, or killed and lost, has ever heretofore been advanced as a reason for the abandonment of the killing of such animals with the gun. The logs of sealing schooners printed in the Appendix
192 are sufficient to show that, for any boat employed in sealing, each seal taken involves, on the average, many hours of rowing and exposure at sea. There is, therefore, no question of a promiscuous and reckless slaughter among dense droves or schools of seals. The hunters are themselves remunerated on a principle of shares depending on the number of seals taken, and every possible precaution against loss is, therefore, naturally employed by the men so engaged.

Appendix, vol. ii, pp. 187 *et seq.*

Precautions taken to recover all seals shot.

The subjoined statements with regard to the securing of wounded seals, contained in the affidavits by practical sealers, are here given in summarized form; but many details are incorporated in the depositions themselves, which should be referred to in order to appreciate the means taken by hunters of knowing the amount of such losses, and also with the trouble often taken to secure a wounded seal:

SUMMARY OF EVIDENCE ON THIS POINT.

Appendix, vol. ii, pp. 43–139.

J. Townsend.—Very few wounded seals are lost.
Captain A. Douglas.—Badly wounded seals almost certain to be got.
G. Roberts.—Wounded seals are either captured or live.
M. Ryan.—Very few. None worth speaking of.
W. T. Bragg.—Chances of getting a badly wounded seal are good.
Captain O. Buchholz.—Does not think that any of the seals wounded by him would die.
Captain W. O'Leary.—Not many.
W. Cowie.—Very few.
J. Brown.—Of 20 or 25 seals wounded by him not half-a-dozen would die.
W. De Witt.—Those badly wounded I always get. Those lightly wounded do not die.
Captain L. McLean.—Very few indeed.
J. H. Haake.—Very few.
J. Shields.—Very few in rough weather. None in calm weather.
O. Scarf.—Very few, if any.
F. W. Strong.—Remembers only one or two instances of a wounded seal escaping. Has taken 930.
A. Mathison.—Very few.
W. Shields.—The number is very small indeed.
C. A. Williams.—Very few.
C. Locke.—Very few.
E. Ramlose.—Very few.
I. O'Quinn.—Took in 1892 210 seals, and wounded 2 that escaped him.
Captain R. McKiel.—The number is very small.
Captain E. P. Miner.—Very few. Not 1 in 100.
J. Hall.—Has wounded some seals, but got most of them; the others would live.
N. Morrison.—Always gets badly wounded seals in fair weather. Of slightly wounded they no doubt get well.
193 *Captain V. Jacobsen.*—Very few.
J. Christian.—A few wounded seals escape, and a few of these may die.
M. McGrath.—Is not sure that any would die.
W. Heay.—In taking 168 seals wounded not more than 5, some of which may have died.
E. Cantillion.—Not many.
C. O. Burns.—Only 10 escaped wounded, and those only slightly.
J. McRae.—Wounded 12 or 15 in 1892; some might die.
L. McGrath.—Not more than 10 wounded in 1892, and thinks all would live.
J. Brown.—Very few are wounded.
C. Francis.—Wounded a few, but got most of them afterwards.
J. Figuera.—Wounded 6 or 7 in 1891.
W. F. Roland.—Always gets badly wounded seals; those that escape are not likely to die.
A. W. Roland.—Very few badly wounded seals escape.
J. Matthews.—Wounded a few, but got most of them.
N. Bonde.—Wounded a few.
A. McGarva.—Not more than 1 in 50 wounded seals will die afterwards.
R. S. Findley.—Very few.
T. Garner.—Very few.
J. Krapt.—Badly wounded seals nearly always got.
G. C. Gerow.—Not many.
R. Hope.—Sure of getting badly wounded seals.

A. Sinclair.—Wounded 8 or 9, but none badly enough to cause death.
W. Edwards.—Seals that are badly wounded always got.
G. F. French.—Not many.
W. M. Christian.—1 or 2 might have escaped and died.
P. Jolibis.—Very few.
T. O'Leary.—Took 240 seals in 1890, and wounded not more than 15 that got away.
L. McGraw.—Wounded 10, but doesn't think any would die.
H. F. Sieward.—Percentage of wounded seals that escape is very small.
D. A. Lewis.—A mortally wounded seal does not often get away.

SUMMARY OF EVIDENCE AS TO DISTANCES AT WHICH SEALS ARE SHOT.

With reference to the distance at which seals are shot at, as bearing on the chances of losing wounded seals, the following statements referring to the actual practice of hunters may further be cited:

J. Wilson.—Shot seals at a range of from 10 to 15 yards (p. 355).
W. Fewings.—General range for rifles not over 50 yards, but few hunters attempted that range. In getting 400 in 1887 failed to capture about 25 shot at, or killed, or wounded, but which escaped (p. 355).

British Case, Appendix, vol. iii, "United States No. 2 (1891)," pp. 355–357.

194 *Captain J. D. Warren.*—Sleepers are shot at from 10 to 15 yards range, "feeders" from a few feet to 100 yards, though few are fired at at that distance (p. 355).

Captain H. F. Sieward.—I generally take 10 per cent. additional ammunition for waste shot, that is, if calculating on a catch of 3,000 seals, take ammunition for 3,300 shots. This is double the excess the hunters would consider necessary, and I never knew that percentage of waste shot to be used (p. 356).

G. Howe.—Uses shot-gun principally, rifle only for long range, say, 30 to 60 yards (p. 357).
Captain C. J. Kelley.—Average range for sleeping seals 10 to 20 yards, for travelling seals 10 to 30 yards (p. 168).
Captain W. Petit.—Average range for sleeping seals 10 to 20 yards; 10 to 30 yards for "travellers" (p. 169).

British Case, Appendix, vol. iii, "United States No. 3 (1892)," pp. 167, 191.

Captain W. E. Baker.—Ten yards is a safe shooting distance at "sleepers," and 10 to 30 at "travellers" (p. 173).
Captain C. N. Cox.—Fifteen yards, shooting distance at sleeping seals (p. 175).
Captain A. Bissett.—Shoots at sleeping seal when 20 to 30 feet from it, and at a traveller when 25 to 30 yards away (p. 177).
Captain T. W. Magnesen.—Twenty-five yards at "sleepers" and 45 to 50 at "travellers" is safe shooting distance (p. 178).
H. Crocker.—The usual distance for shooting at a sleeping seal is about 20 feet (p. 180).
G. Roberts.—Shoots at sleeping seals when 20 to 30 feet from them, and at "travellers" when from 25 to 30 feet [yards] from them (p. 181).

The following additional statements on the same subject, including experience in 1892, are contained in the affidavits of hunters and boat-steerers subsequently obtained:

J. Townsend.—Three years a hunter; shoots sleeping seals at 15 yards range, and has killed a "traveller" when 60 yards away, but seldom shoots at a seal when that distance away.
Captain A. Douglas.—Eight years' experience; shoots at a sleeping seal when 40 or 50 feet from it.

Appendix, vol. ii, pp. 43–139.

G. Roberts.—Four years' experience—two as hunter; shoots sleeping seals at from 5 to 15 yards range, and never lost but one seal shot at while sleeping, and that was by going after another seal and leaving the first too long. He shoots at a travelling seal at from 20 to 50 yards range.
M. Ryan, who has been sealing ten years, shoots at sleeping seals when from 12 to 15 yards from them.

J. S. Fanning.—Four years' experience as hunter; shoots at sleeping seals when 12 to 15 yards from them, and at travelling seals when 30 to 40 yards away.

W. T. Bragg.—Eight years' experience; shoots at sleeping seals when about 20 feet from them, and gets as close as possible to a "traveller."

195 *Captain O. Buchholz.*—Three years' experience; master mariner, but hunts as well; shoots at sleeping seals when within 15 yards of them, and travellers when about 25 or 30 yards off.

R. Starrat.—Three years' experience as hunter; shoots at a sleeping seal when about 15 yards from it, and never at a travelling seal when more than 50 yards away.

W. Cowie.—Two years' experience—one as boat-steerer, and one as hunter; shoots at a sleeping seal when from 10 to 20 yards from it, and at a traveller never when it is more than 40 yards away.

F. Campbell.—Three years a boat-puller and boat-steerer, and two years a hunter; shoots at sleeping seals when 10 to 15 yards from them, and at travellers never when more than 50 to 60 yards from them.

J. Brown.—Six years' experience; one as hunter; shoots at sleeping seals when 15 or 20 yards from them, and at travelling seals never when more than 40 yards away.

W. De Witt.—Four years' experience as hunter; uses both shot-gun and rifle. He shoots at sleeping seals at from 10 to 15 yards range, and at "travellers" at from 30 to 40 yards. "I seldom use a rifle, and then only at travellers. Most of the seals I lost by sinking were 'travellers' shot at long range."

W. G. Goudie.—Five years a seal-hunter; shoots "sleepers" at from 10 to 20 yards' range, and "travellers" at from 20 to 100 yards.

J. H. Haake.—Three years a hunter; shoots at a sleeping seal when 12 or 15 yards from it, and says the average distance at which hunters shoot at "travellers" is about 35 yards.

G. F. French.—Three years' experience as hunter; shoots sleeping seals when 10 or 12 yards from them; "travellers" he shoots at 30 to 60 yards range.

O. Scarf.—A hunter of six years' experience says: "I use the rifle a great deal. I shoot 'sleepers' with the gun at 10 or 20 yards' range, and travelling seals with the rifle at as long range as 100 yards. The seals I have lost are principally in this way."

F. W. Strong.—Four years' experience; uses only a shot-gun, and shoots "sleepers" from 10 to 20 yards, and "travellers" from 25 to 75 yards' range. Fully 80 per cent. of all the seals got by him were "sleepers."

W. Shields.—Seven years' experience as a hunter; shoots at a sleeping seal when about 15 yards from it, and at a travelling seal when not more than 60 yards away, that is, with a shot-gun. Nearly every one prefers a shot-gun to a rifle, but a good shot will do as well with a rifle. "I myself would trust as much to a rifle as a shot-gun, because when a bullet hits a seal it is sure to kill it, and we seldom fail to get the seal."

C. A. Williams.—Five years' experience; shoots at a seal when from 6 to 55 yards from it.

J. Hall.—Two years' experience; shoots "sleepers" from 12 to 14 yards' range, and "travellers" from 25 to 40 yards' range.

196 *W. Fewings.*—Six years' experience; shoots sleeping seals at from 10 to 15 yards' range, according to the state of the water. "I shoot travelling seals at from 40 to 60 yards. About one-third of the seals I get are 'travellers,' and most of those lost are of this class."

T. H. Brown.—One year a boat-steerer and four a hunter. Shoots at a sleeping seal when about 15 yards from it, and most of the seals he gets are "sleepers."

N. Morrison.—Four years a hunter. Shoots sleeping seals at ranges of from 10 to 30 yards, and "travellers" all the way from 40 to 100 yards. Most of the seals I lose are "travellers."

J. Christian.—Two years' experience as hunter. Shoots at sleeping seals when 15 to 20 yards from them, and at "travellers" and breaching seals when 20 to 50 yards away. About two-thirds—perhaps more—of the seals I got were shot sleeping.

M. McGrath.—One year's experience. Shoots at seals when 20 to 30 yards from them. Seldom, if ever, more than 30 yards away, but at sleeping seals at much shorter range.

W. Heay.—Six years' experience as boat-puller and hunter. Shoots at sleeping seals at from 15 to 20 yards' range, and "travellers" from 25 to 50 yards' range. "Over two-thirds of the seals I got were 'sleepers.'"

J. J. Beckingham.—Two years a boat-steerer, says: "The hunters I have been out with shoot at seals when 15 or 20 yards from them, and there is not time for a seal to sink before the boat reaches it."

H. B. Jones.—Five years' experience. Generally shoots at seals when from 15 to 35 yards from them.

W. Hermann.—25 to 30 yards.

Captain G. Scott.—Hunts with a rifle and a shot-gun. "With a rifle I would shoot up to 150 yards, and with a shot-gun up to 30."

G. Wester shoots seals with a rifle when 50 to 100 yards away, and with a shot-gun 25 to 30 yards.

C. Hartiwen shoots at seals with a shot-gun at from 10 to 30 yards range, and with a rifle at from 30 to 100.

M. Scott says: "Seals are nearly all shot with a gun, and are mostly all taken at from 10 to 30 yards."

Captain J. S. Worth says: "The range at which I would take nearly all my seals is between 10 and 30 yards."

C. Francis shoots at sleepers at from 10 to 20 yards' range, and "travellers" at from 25 to 40 yards.

J. Coburn shoots at sleeping seals at from 10 to 20 yards' range, and travellers at from 25 to 50 yards.

Captain C. E. Mockler says: "The range for a gun is from 10 to 30 yards, and most of the seals are got between these ranges. With a rifle the range would be anywhere up to 100 yards."

L. J. Thiers says: "Nearly all the seals are killed with a gun, and at a distance of from 10 to 30 yards."

W. O. Shafter uses the shot-gun and the rifle. "Most of the seals are got between 10 and 40 yards with the shot-gun."

197 *W. F. Upson* says that most of the seals shot are under 15 yards yards away.

F. Crocker says seals are for the most part shot with a shot-gun at from 10 to 30 yards' range.

W. Conners says: "Seals are mostly shot from 20 to 30 yards' distant with a shot-gun.

P. E. Peterson gets his seals at from 8 to 30 yards range.

H. John Lund shoots most of his seals when 15 to 18 yards' distant.

J. Ford says: "Most seals are killed from 10 to 30 yards' [range]."

J. W. Crew says that the seals he gets are mostly at a range of from 10 to 30 yards.

A. McGarva says he shoots at a sleeping seal when 15 to 25 yards from it, and would not shoot at a "traveller" when 90 yards away.

T. Garner says: "Shot will not kill a seal if it strikes it in the body when more than 40 yards away. I shoot at a sleeping seal when from 14 to 18 yards from it. Very few rifles are now used."

Captain J. Gaudin.—20 or 30 feet.

Captain S. W. Buckmann.—40 or 50 feet.

R. Hope.—10 to 30 feet at a sleeping seal.

Captain C. F. Dillon.—Shoots at sleeping seals when about 12 yards away, and at travelling seals all the way up to 75 or 100 yards, if a rifle is used; even at that distance the seal is generally got.

A. Sinclair.—Shoots at sleeping seals when 12 or 15 yards away.

W. Edwards.—Shoots at sleeping seals when 10 to 12 yards from them; travelling seals when as far as 60 yards from them.

M. Edwards.—Sleeping seals when about 15 yards away; travelling seals seldom more than 50 or 60 yards away.

G. F. French.—Shoots at a sleeping seal when within 25 feet of it, but would not shoot at a lively seal when more than 50 yards away.

W. M. Christian.—Shoots at a sleeping seal when 15 or 20 yards away, and at a "traveller" when 60 or 70 yards away.

P. Jolibis.—Shoots at sleeping seals when from 4 to 20 feet from them, if there is but little sea on. When the seal is awake and lively, he shoots when 30 or 40 yards away.

T. O'Leary.—Shoots at a sleeping seal when from 6 to 10 yards from it, and would not shoot at a travelling seal when more than 50 yards from it.

Captain H. F. Sieward says: "Most of the seals got are 'sleepers,' and are shot at when from 15 to 25 yards from them."

P. Carlson.—Kills seals from 10 to 40 yards, and the average is about 15 yards.

D. A. Lewis says: "I shoot seals at an average distance of 25 yards, and have killed a seal and got him at 75 yards."

P. Hammel says: "Seals are killed with a shot-gun 10 to 30 yards away."

198 EXAGGERATED STATEMENTS ARE MADE IN THE UNITED STATES CASE AS TO NUMBER OF FEMALE SEALS KILLED AT SEA.

(*b.*)—*That from 80 to 90 per cent. of the Seals killed at Sea are Females, and that of these at least 75 per cent. are either pregnant or nursing.*

British Commissioners' Report, paras. 78, 633.

In respect to this contention, it is not denied that a considerable proportion of the seals taken at sea are females, and that some of these are with young; but it is affirmed that the statement, as above formulated, is very greatly exaggerated. It is also submitted, that the killing of females, within proper limits as to number, is not in itself more reprehensible in the case of fur-seals than of other animals, whether polygamous or not, and whether wild or domestic, with reference to which it is systematically practised when the females yield skins or other products of value.

PELAGIC SEALERS FAVOUR REGULATIONS SUCH AS TO MINIMIZE THIS.

The British Commissioners devoted special attention to this subject, and have ascertained that the pelagic sealers themselves favour such regulations as would prevent any unnecessary waste of seal life; and it will be found, on consulting their Report, that in the scheme of regulations which is formulated by them as the most appropriate, special care is taken to provide against the possible killing of gravid females.

Ibid., paras. 633, 648.

Ibid., paras. 155–161.

THE EXCESS OF FEMALES IN LATE YEARS, THE DIRECT RESULT OF KILLING ON PRIBYLOFF ISLANDS.

It must be observed that the statements respecting the number of female seals included in the pelagic catch, whether those contained in the Case of the United States and its Appendices, or those made in the Report of the British Commissioners, relate to recent years only, during which attention has been particularly called to the seal fishery in consequence of complaints regarding the dearth of killable male seals on the breeding-islands. It has been established by evidence derived from the official Reports of the United States, that for some years past every male seal capable of yielding a merchantable skin which landed upon the Pribyloff Islands has been killed if it could be taken; and that the necessary consequence of the decrease in the number of male seals is the existence of a preponderant number of female seals.

On this point the British Commissioners write:

It must not be forgotten, however, in examining these statements, that the complementary information derived from the breeding islands shows that the persistent killing of young males has led of late years to the existence of a very large surplus of females, and
199 that, therefore, the proportion of females to the whole number of seals, whether at sea or ashore, is, at the present time, according to the information obtained by us, quite abnormal. Ibid., para. 635.

MALES HAVE INCREASED AT SEA SINCE KILLING ON PRIBYLOFF ISLANDS HAS BEEN REDUCED.

Following the limitation of the excessive slaughter of young males upon the Pribyloff Islands in 1891 and 1892, and in exact correspondence with the statement made above, many of the hunters note a decided increase of males at sea in 1892, while a marked increase in the same class upon the islands was observed by Mr. Macoun. Appendix, vol. i, p. 151.

It thus follows that, unless the taking of fur-seals upon the high seas is in itself entirely illegal, which is wholly denied, the men so employed have, in comity and reason, fair ground of complaint as against the methods practised upon the breeding-islands, which have resulted in so seriously depleting the male element of the seal tribes, and in sapping the foundations of the continued prosperity of seal life upon which their industry depends for its existence. The methods heretofore practised upon the Pribyloff Islands have in fact assumed that the owners of these islands were the only persons interested in the fur-seal industry. British Commissioners' Report, paras. 122, 156.

CONSEQUENT IMPROVEMENT OF CONDITIONS ON PRIBYLOFF ISLANDS, WITH CONTINUED PELAGIC CATCH, SHOWS THAT PREVIOUS DETERIORATION DUE TO KILLING ON BREEDING-ISLANDS.

The fact that, as a consequence of the restricted number of young males killed on the Pribyloff Islands in 1890, and the still smaller number killed under the operation of the *modus vivendi* of 1891, the condition of the rookeries there showed distinct improvement in 1891 and 1892, is alone sufficient to show that it has been the killing upon the islands rather than that at sea which induced the decrease. The number of seals taken at sea in 1890 and 1891 was actually greater than ever before. If, therefore, in accordance with the contention now held by the United States, the chief want upon the islands was in females, while a vast majority of the seals killed at sea were of this sex, the condition of the rookeries should have continued rapidly to deteriorate. The beneficial effect resulting from the sparing of males upon the islands is therefore specially to be noted. Ibid., para. 91. Appendix, vol. i, p. 151.

EXTRAORDINARY CHARACTER OF CLAIM NOW MADE BY UNITED STATES.

It is therefore wholly unreasonable and inadmissible for those interested in the islands, having themselves brought about the depletion of one class of seals, to demand for their sole benefit the suppression of another form of sealing,

which, in consequence of such action, has of late, and from the necessities of the case, resulted in the taking of a considerable proportion of females from the existing surplus of that sex.

CHIEF BASIS OF ALLEGATIONS ON THIS POINT IN UNITED STATES CASE, ESSENTIALLY INCONCLUSIVE.

The assertion in the United States Case as to the proportion of females in the pelagic catch, rests chiefly on the evidence of furriers, who have examined the skins in the condition in which they reach them, that is to say, without the heads or extremities, and stretched out of their original form. While it is no doubt quite possible for these gentlemen to correctly distinguish as to sex a certain proportion of the larger skins, from the colour of the fur and other indications, yet there is so large a number of skins, more particularly skins of seals under 3 years, which present absolutely no distinctive characters in this respect, that the estimates of furriers cannot be regarded as trustworthy. It is further to be remarked that, in the course of their business, furriers have never had to consider the question of sex at all, which in no way enters into their calculations. They do not buy or sell by sex, and it is never mentioned in trade catalogues, so that therefore their retrospective statements are not based upon any trade classifications, but are merely surmises.

NUMBER OF FEMALES IN PELAGIC CATCH WHICH COULD POSSIBLY BE GRAVID SHOWN TO BE SMALL.

Appendix, p. 257. With reference to the question of the number of gravid females comprised in the North-west Catch, attention is called to the Table prepared by Messrs. P. R. Poland and Son, the well-known London fur merchants, in which they analyze the sizes of the whole North-west Catch from the year 1873 to the present time. From this Table, it will be seen that about 42 per cent. of the North-west Catch, after deducting therefrom all outside skins such as the Japanese skins taken on the Asiatic coast, are skins of animals too young to be bearing-females, and the balance (58 per cent.) which, so far as size goes, might be those of bearing-females. It is admitted in the United States Case that 15 per cent. of the entire catch consists of males. This reduces the proportion of gravid females to less than 50 per cent. Further, to arrive at a fair estimate of the proportion which could be actually gravid when killed, this percentage amount must be reduced by one-half, because at least one-half of the North-west Catch is taken in the fall, long after all the females have given birth to their pups, thus making the highest possible total of gravid females in the
201 North-west Catch to be about 25 per cent., without making any allowance for barren females.

The above calculation assumes, without admitting, the correctness of the figures put forward by the United States Case. If the more moderate, and, it is submitted, more

accurate, figures given by British witnesses are taken as a basis, the percentage of females which could possibly be gravid is reduced to an insignificant number.

The British Commissioners, after carefully considering all the circumstances respecting the killing of seals at sea, write as follows:

The general conclusion to be derived from an examination of the statements above noted is, that in proportion to the number of skins obtained, that part of the pelagic catch made in the early part of the season, and to the south of the Aleutian Islands, is the most damaging to seal life as a whole, while the skins taken after this date whether without or within Behring Sea are obtained at much less proportionate cost of seal life. British Commissioners' Report, para. 651.

SUMMARY OF EVIDENCE AS TO PROPORTION OF MALES AND FEMALES IN PELAGIC CATCH.

In the Report of the British Commissioners much evidence is quoted as to the composition of the catch at sea in respect to proportion of females, &c. This evidence may be summarized as follows:

Captain W. O'Leary.—South of Behring Sea half cows, of which two-thirds with young. In Behring Sea, cows with young not 1 in 100.

Mr. G. Howe.—South of Behring Sea one-third of catch cows with young, or capable of bearing. In Behring Sea got 4 cows with young in a season's catch.

Mr. A. J. Bertram.—Out of 230 seal, 25 or 30 cows with young south of Behring Sea, and in Behring Sea 6 or 7.

Mr. C. J. Kelley.—Proportion of females always less than that of males.

Captain W. Petit.—In 1886, off Barclay Sound, took 104 seals, of which only 3 were females. In 1887, on Portlock Bank, took in one day 29 seals, of which 2 were females. In 1891 catch was 75 per cent. males. Of 765 seals killed, 18 were females with young.

Captain W. E. Baker.—Proportion of his catch in 1891, 3 males to 1 female.

Captain C. N. Cox.—In 1889, 90 per cent. of his catch males. In 1891, of 848 seals taken south of Behring Sea, 75 per cent. were males, 15 per cent. females with young.

Captain A. Bisset.—More males than females taken. In 1891, 70 to 80 per cent. of his catch males.

Captain T. Magnesen.—In February to April about equally divided as to sex. Near Behring Sea about 80 males taken to 1 female.
202 In 1891, about half his catch females, 12 to 14 per cent. bearing females, the rest barren.

Mr. H. Crocker.—Of the seals killed, 80 per cent. males.

Mr. R. Thompson.—Of the seals taken, 70 to 80 per cent. were males.

Mr. A. Laing.—South of Behring Sea, 3 in 5 males. In Behring Sea, 4 in 5 males.

Captain W. Cox.—Females are most abundant in February to April. About 65 or 70 per cent. of seals taken males; 15 per cent. of the females barren. Of 2,434 seals taken in Behring Sea 5 per cent. were females with milk.

Captain C. Hackett.—In 1890, about one-fourth of his catch females; in 1891, about one-half; of 1,555 seals taken in Behring Sea between the middle and end of July only ten were females with young.

Captain C. McDougall.—Of 1,100 seals taken in Behring Sea, 800 were males.

Captain A. Douglas.—Has found one or two females with young in Behring Sea in a season.

Captain S. S. McLean.—Finds more males than females south of Behring Sea; in Behring Sea about equally divided. In 1891 his catch consisted of two-thirds males, one-third females.

Captain Dod.—Took 600 seals in Behring Sea, of which less than 20 were with young. In 1890, of 2,000 seals taken by schooner "Viva" in Behring Sea, only 2 were females with young.

Appendix, vol. ii, pp. 14–22.

Much additional evidence on the same point, including experience in 1892, is contained in the statements of sealers printed in the Appendix, and of this the following synopsis may be given:

Mr. J. Townsend.—Has secured on the coast and in Behring Sea about as many females as males.

Mr. C. Le Blanc.—In 1892, took more females than males on the [American] coast, and on the Asiatic side about equal numbers of each sex. More than half the females on the coast were with young. On the Asiatic side from one-quarter to one-half were in milk.

Captain A. Douglas.—Formerly more females were taken than males, but last two years more males, from 2 to 4 years old.

Mr. G. Roberts.—Three out of five seals taken in 1892 were males. About one-half the females taken were in pup.

Mr. M. Ryan.—Took in 1892 about as many females as males. On the Asiatic side more males than females. In 1891, in Behring Sea (American side), more males than females.

Captain R. O. Lavender.—On coast in 1892 over one-third his catch were females. Less than half of these barren. The same in other years. In three seasons in Behring Sea he found near the islands mostly females, but further out mostly males.

T. Mathasen.—Boat-steerer in 1891; thinks that out of 5 seals taken 3 are females.

203 *J. S. Fanning.*—In 1892 took 158 seals, of which 8 were females. Other hunters in same vessel had similar experience.

A. Billard.—About one-half of coast catch females, of which about one-fourth were in pup.

G. Dishow.—In 1892 took more males than ever before. In previous years a very little more than half were females. In Behring Sea about half his catch were females.

Mr. O. Buchholz.—On the American coast has taken more females than males.

Mr. R. Starrat.—Thinks there are more females than males among the seals taken.

Captain W. O'Leary.—Catches have always been composed of about equal numbers of males and females, both on the coast and in Behring Sea.

F. Campbell.—Took 65 seals in 1892, among which were more females than males: 20 to 25 were barren females.

J. Brown.—In 1892 got more females than males.

Captain A. R. Bisset.—In 1891, 80 per cent. of catch were young males. In 1892, about half females on coast.

H. R. Smith.—On Vancouver Island coast early in season about half the seals taken are females, half of which are in pup. As the season grows fewer females are got, and fewer of these in pup.

W. De Witt.—A little more than half the seals taken on the coast are females, and of these about one-half are in pup.

W. G. Goudie—In 1892, of 2,040 seals taken on the coast about 1,500 were bulls from 2 to 4 years old. About one-half the seals taken in Behring Sea are females.

Captain L. McLean.—Outside very many more males than females are taken. Not nearly so many females as males in Behring Sea.

J. H. Haake.—The greater portion of the catch of "Walter A. Earle" were males.

J. Shields.—Of the larger seals there are more females than males. Of the smaller seals, more males than females. In Behring Sea more males than females.

G. F. French.—Males and females in about equal numbers on the coast.

O. Scarf.—Males and females in about equal numbers both on coast and in Behring Sea.

F. W. Strong.—Thinks that about two-thirds his catch on the coast were females, one-half in pup.

A. Mathison.—More than half the seals taken on coast were females. Mostly young females and barren cows. About one-quarter females in pup.

W. Shields.—Before 1892 thinks he took a few more females than males, but in 1892 more than two-thirds of his catch were males, and this was the experience of the other hunters on the "E. B. Marvin."

C. A. Williams.—Sexes about equally divided in 1892. In 1889 and 1891 nearly all bulls. On the Asiatic side seals about equally divided as to sex.

204 *C. Locke.*—Got in 1892 a few more males than females on the coast, but both there and on the Asiatic side there were about equal numbers of each sex.

E. Ramlose.—Before 1892 killed more females than males. In 1892 more males than ever before.

Captain E. Lorenz.—On the 11th August, 1890, in Behring Sea, his hunters got 130 seals, of which about 100 were males. Thinks he took more females than males in 1891.

Captain T. Magnesen.—Of over 1,000 seals taken on coast each year by his hunters two-thirds were males. More females than males in Behring Sea. Sexes about equal on Asiatic side.

Captain W. E. Baker.—In last two years about 25 per cent. of coast catch were cows.

I. O'Quinn.—Of 76 seals taken on the coast in 1891, not more than 25 were females; and of 210 in 1892, not more than 40 were females. Mostly bulls on Asiatic side in 1891 and 1892. Not more than 6 in 100 were females.

Captain R. E. McKiel.—Gets more females than males. In 1892 more males, in proportion, than ever before.

Captain E. P. Miner.—40 per cent. of seals taken on coast, and about 60 per cent. of those taken in Behring Sea, are females.

Captain C. Campbell.—Principal part of catch in 1891 and 1892 were young males.

Captain G. Macdonald.—As a rule, more females than males are caught on coast. In Behring Sea about equal numbers of each sex.

W. Fewings.—About the same number of males and females.

D. Laing.—Thinks more females than males are taken on the coast, but that in Behring Sea—both sides—more males are taken.

T. H. Brown.—Has always taken more males than females on the coast, and about the same number of each sex in Behring Sea.

J. Morris.—More males than females.

N. Morrison.—In 1886 about two-thirds his catch were bulls. In 1891 about half were females, and in 1892 about one-third. On Asiatic side in 1891 and 1892 about half were females.

H. S. Browne.—More males than females in 1892, and more in proportion than other years.

Captain V. Jacobson.—About 3 out of 5 seals taken on the coast and in Behring Sea are females.

Captain J. W. Todd.—Remembers no year in which he took more females than males on the coast. In Behring Sea rather more than half females.

J. Christian.—Rather more than half females on Asiatic side, and about equal numbers of males and females on the American coast.

M. McGrath.—More than half, both on American and Asiatic sides, were females.

W. Heay.—Two-thirds of catch young males.

J. Beckingham.—As many females taken as males.

205 *Captain H. B. Jones.*—Thinks vessels he has been on took more females than males both in Behring Sea and on the coast.

Captain E. Cantillion.—Until 1892 catch contained more females than males. In 1892 many more males than females.

C. Peters.—More females than males in 1891 and 1892.

H. Paxton.—In Behring Sea in 1891 took 330 seals. Most of these were young bulls. In 1892, 139 seals on coast; about 20 females among them.

G. Heater.—In 1890, in Behring Sea, greater part of catch males; in 1891, on coast, majority were young bulls; in 1892, one-third cows.

A. McGarva.—In 1890 more females than males; in 1891 about equal numbers of each sex; in 1892 more males than females.

R. Findlay.—More males than females in 1892; more females in previous years.

J. Krapt.—About half the seals taken by him females.

F. Warrington.—More females than males killed.

G. E. Miner.—As a rule more females than males, but in 1892 but 10 per cent. of catch were females.

Captain J. D. Warren.—A little over half the catch females both on the coast and in Behring Sea.

C. O. Burns.—In 1891 about half females; in 1892 nearly all bulls.

M. Pickney.—In 1891 less than half females; in 1892 very few females on coast. Of 420 taken in Behring Sea, about one-fourth were females.

W. O. Hughes.—In 1891, both on coast and in Behring Sea, about half females; in 1892 not more than 10 per cent. females on coast.

J. McRae.—About half females.

J. Brown.—About half of each sex.

J. Siteman.—In 1888 and 1889 about half females; in 1890 nearly all males; in 1892 three-fifths males. In Behring Sea each year about half the catch were females.

W. Hermann.—More females than males as a rule.

G. Scott.—On the coast and in Behring Sea about half males and half females.

G. Wester.—About 60 per cent. females on the coast; in Behring Sea about half.

C. Lutjens.—About four-fifths of catch females.

C. Hartiwen.—About 60 per cent. females both on the coast and in Behring Sea.

M. Scott.—In Behring Sea about half of each sex; on the coast for last two years more males than females.

J. S. Worth.—On the coast in 1890 and 1891 70 per cent. females; in 1892 about half and half. In Behring Sea the majority taken were bulls.

C. Francis.—Both on the coast and in Behring Sea about half females.

M. Keefe.—In 1889 and 1890 many more males than females; in 1891, in Behring Sea, nearly half females. Never has taken more females than males. In 1892 nearly all young males.

206 *J. Coburn.*—In 1892 nearly all males; in previous years less than half females.

J. Figuera.—Pretty well divided as to sex on coast. Never got females in Behring Sea.

C. E. Mockler.—As a rule more cows than bulls.

L. J. Thiers.—Early in season more females than males; later on more males.

G. Wells.—In 1890, on coast, more than half males; in 1891 about half females. In Behring Sea, in 1890 and 1891, about two-thirds of catch females. In 1892 four-fifths of catch males.

W. O. Shafter.—Both on the coast and in Behring Sea more females than males.

A. F. Carlson.—More females than males on the coast.

F. Crocker.—More females than males on the coast; in Behring Sea about half and half.

W. Conners.—More than half females on the coast.

P. E. Peterson.—On the coast about half males and half females.

H. J. Lund.—About 65 per cent. of coast catch females.

J. Ford.—On the coast more males than females.

J. W. Crew.—60 to 70 per cent. females.

W. Roland.—On the coast about one-third females; in Behring Sea about half females.

A. W. Roland.—In 1891 about half females; in 1892 about one-third females.

J. Matthews.—About half of coast catch females; in Behring Sea at least 5 out of 6 were males.

A. McKeil.—3 out of 5 taken on coast females.

G. C. Gerow.—Two-thirds of catch on coast and in Behring Sea females.

J. Gaudin.—Chiefly females in Behring Sea, but nearly all were dry.

C. Blomquist.—14 or 15 females among 149 taken in 1892.

R. Hope.—Thinks more females than males are taken.

W. Petit.—Not more than 130 females out of 660 seals in 1892.

C. F. Dillon.—About three-fifths of catch females in 1892.

A. Sinclair.—About half males—a few more than half perhaps.

W. Edwards.—About as many males as females.

M. Edwards.—About half of each sex.

G. F. French.—Between one-third and one-half females.

P. Jolibis.—About the same number of each sex on the coast; more females than males in Behring Sea. In 1892 many more males than females on coast.

T. O'Leary.—More females than males.

F. Moreau.—80 per cent. females.
P. Carlson.—Half of each sex on the coast.
P. Hammel.—20 per cent. more females than males.
J. Carthcut. About 60 per cent. females.

Indian Evidence.—Composition of Catch.

Hit-hitle.—More females than males off San Juan.
Kasado.—6 out 10 females off San Juan. In Behring Sea always more males than females.
207 *Schoultwick, Clawaunack, So-y-uk, Thompson, Jack, Too-tooch,* and *Jimmy.*—Off south end of Vancouver Island more females than males; further north more males than females.
Clahapisum, Hanaisum, and *Clahouto.*—Along Vancouver Island coast more females than males; further north more males.
Walter Watt.—Along Vancouver Island coast about half the catch—perhaps a little more—females.
Chileta.—Along the Vancouver Island coast as many females as males.
Oqunaghu.—Five or six years ago more males than females; now as many females as males.
Kach-kach-ah.—Five or six years ago took more males than females, but now about the same number of each sex is taken.
Shewish.—Generally about the same number of each sex; this year more males.
Clat-ka-koi and *Kickiana.*—About half of each sex.
Clicklahouto, Keshuqua, and *Clatchu.*—Along the coast got about 4 males out of every 7 seals killed on the coast; in Behring Sea more males than females are taken.
Clat-misk, Wahka, Nahwyak, Claphightup, Tsawassup, and *Too-tooch.*—Along the coast more males than females are taken, and those of them who have been in Behring Sea had the same experience there.
Ehenehesut.—Along the coast about the same number of each sex is taken.
Annetz-acheet and *Louis Annetz-acheet.*—Sometimes more females than males are taken on the coast, but in 1892 more males.
Hat-la-cuntl.—About the same number of males as females.
Cedar-kanim and *At-clappa.*—As many males as females along the coast.
Atelu and *Ahnahyook.*—Off Vancouver Island coast more cows, but further north more bulls.
Quianah.—Along the coast more females than males, but further north and in Behring Sea more males than females.
High-eit-lick-sheel.—Some years more bulls, some years more cows.
Charlie Quisto, See-ah-sum, and *Wech-tin.*—About half cows and half bulls.
Joseph, Jack, and *Johnny Hammond.*—More males than females always.
Sante.—66 seals; nearly all males.
Charlie.—More males than females.
Gus.—95 seals; not many females.
Douglas.—73 seals; only 1 female.
Joe.—41 seals; not many females.
Taylor.—88 seals; more males than females.
Tommie.—59 seals; more males than females.

208 THIS CONTENTION WHOLLY NOVEL.

(c.)—*That, in consequence of the killing of nursing Females at Sea, dead Pups have been found in increasing Numbers on the Pribyloff Rookeries every year since Pelagic Sealing began in Behring Sea, and that such Pups died from starvation.*

It remains to deal with the third of the main contentions above cited. This assertion is, like several other assertions to which great importance is now attached in the Case of the United States, entirely new.

It is therefore somewhat remarkable to find, notwithstanding the apparently complete absence of comparable observations in the reports on the islands in previous years, that it is now maintained, not only that such results have been concurrent with the progress of pelagic sealing, but that they have been observed to increase *pari passu* with the growth of such sealing at sea. In previous reports on the islands, where the death of "pups" has received mention at all, it has been apparently uniformly attributed to one of two causes, *i. e.*, either to overrunning of the young by adult seals, or destruction of the young by surf during storms.

For references to United States official documents, see British Commissioners' Report, paras. 328–333.

THE MORTALITY OF YOUNG SEALS IN 1891, FIRST NOTICED BY BRITISH COMMISSIONERS.

Ibid., para. 346. The mortality noticed in 1891, was, moreover, attributed to the same causes by such of the officials and natives on the Pribyloff Islands as were first addressed on the subject by the British Commissioners, showing very plainly that up to that time no other explanation had been present to their minds.

EVIDENCE CITED BY UNITED STATES TO SHOW THAT DEAD "PUPS" SELDOM SEEN ON PRIBYLOFF ISLANDS TILL 1884.

In presenting the evidence upon which dependence is placed in this matter in the Case of the United States, Dr. W. H. Dall, who visited the Pribyloff Islands in 1880, Captain Bryant, who was on the islands from 1870 to 1877, Mr. Moulton, who was on St. George Island from 1877 to 1881, Mr. Otis, on the islands from 1879 to 1881, and Mr. Glidden, Government Agent from 1882 to 1885, are first cited, to prove that dead pups were very seldom or scarcely ever seen upon the islands up to the year 1884.

BUT THIS IS CONTRADICTED BY PREVIOUS REPORTS OF UNITED STATES GOVERNMENT.

But Mr. H. W. Elliott, writing in 1875, and as the result of his experience gained in 1872–74, speaks of the normal presence of—

"Report on the Condition of Affairs in Alaska," p. 149. decaying carcasses of old seals and the *many pups* which have been killed accidentally by the old bulls while fighting with and charging back and forth against one another.

209 Lieutenant W. Maynard, United States navy, writing of the islands in 1874, says:

44th Cong., 1st Sess., H. R., Ex. Doc. 43, p. 4. *Many of them* [the pups] are killed by the surf, particularly if the season is a stormy one, as they are not strong enough swimmers to save themselves from being dashed against the rocks by it.

"Monograph of North American Pinnipeds," pp. 397, 398. Still again in 1876, Captain Bryant notes the destruction of a large number of pups in the autumn by a storm, a destruction so great in fact that he anticipated its effect would appear in 1880; and the same authority further refers to the destruction of young seals which always results from a stampede of the older animals.

Bull. Mus. Comp. Zool., vol. li, No. 1, p. 97.

Captain Bryant further alludes to another cause of death of young seals as follows:

"Monograph of North American Pinnipeds," p. 408.

When the sun shines for two or three hours, and the rocks become heated, there are occasional deaths among the beach-masters and very young pups from sunstroke, the symptoms being a nervous jerking of the limbs, followed by convulsions and death. Fortunately these occurrences are rare, and it was only in 1874 that any appreciable number were lost from this cause. That year many young seals died about the 1st August.

United States Census Report, p. 38.

Again, in his Monograph, submitted in 1880, Elliott refers to the destruction of large numbers of pups by October gales.

British Commissioners' Report, para. 328.

The British Commissioners were likewise informed by Mr. D. Webster, who has been for many years on the Pribyloff Islands, that in one year "in the seventies" he had seen the beaches at north-east point of St. Paul Island "strung with dead pups."

It is clear, therefore, that the statements of witnesses especially quoted by the United States Case, who speak from past recollection only, are not in accordance with facts.

DESTRUCTION OF "PUPS" DUE TO RAIDS.

Raids made upon the breeding rookeries may also be cited as a cause of death of young seals, and that such raids have been frequent is elsewhere shown. In respect to the destructive effect of raids upon the young seals, one of the witnesses cited by the United States may be quoted. Mr. I. M. Lenard says:

United States Case, Appendix, vol. ii, p. 217.

When on a raid we would watch for a favourable opportunity to make a landing, and then kill male and female fur-seals indiscriminately. Probably for every 500 marketable skins secured, double that number of pups were destroyed.

210 EVIDENCE CITED BY THE UNITED STATES TO SHOW PROGRESSIVE INCREASE OF DEATH OF "PUPS" WITH DEVELOPMENT OF PELAGIC SEALING, WHOLLY RETROSPECTIVE.

United States Case, pp. 213, 214.

From the year 1884 onward, it is maintained in the case of the United States that the number of dead pups became considerable, and increased annually; but three witnesses only are specially cited in support of this contention, Messrs. Morgan, Loud, and Hereford. Nothing on this matter seems to be found in the annual reports of the Government officials on the islands in these years, though it must be admitted to have been important to the interests which these agents were there to guard. The affidavits of these gentlemen, speaking to the precise numbers of dead pups in a long series of years, and making out that these tally exactly with the numbers of females taken by the pelagic hunters, are all dated in April 1892.

THE QUOTATIONS OF EVIDENCE RELIED ON ARE MOREOVER IMPERFECT.

Mr. Morgan's evidence is, however, very imperfectly quoted in the United States Case. He says:

Ibid., Appendix, vol. ii, p. 64.

> For instance, during the period of my residence on St. George Island [beginning in 1874], down to the year 1884, there were always a number of dead pups, the number of which I cannot give exactly, as it varied from year to year, and was dependent upon accidents or the destructiveness of storms. . . . . But from the year 1884 down to the period when I left St. George Island [in 1887] there was a marked increase in the number of dead pup seals, amounting, perhaps, to a trebling of the numbers observed in former years, so that I would estimate the number of dead pups in the year 1887 at about 5,000 or 7,000 as a maximum.

He then proceeds to argue that the increased number of dead pups resulted from pelagic sealing.

Ibid., p. 39.

Mr. Loud was on the islands each year from 1885 to 1889. He speaks of seeing dead pups in all these years, and believes the mortality to have occurred in consequence of pelagic sealing.

Dr. Hereford has been stationed on the islands at various times from 1880 to 1891. He says:

Ibid., p. 32.

> The loss of life of pup seals on the rookeries up to 1884 or 1885 was comparatively slight, and was generally attributed to the death of the mother seal from natural causes (or from their natural enemies in the water, or, as sometimes happened, sudden storms with heavy surfs rolling in from certain directions on the breeding rookeries, but never at any time would a sufficient number of pups be killed to make it a subject of special comment, either among the natives or the employés of the Company). Coincident with the increase of hunting seals in the sea, there was an increase in the death-rate of pup seals on the rookeries, &c.

United States Case, p. 214.

211 The portion of this statement here placed in parentheses is omitted from the citation as given in the Case of the United States.

BUT CONTENTION HELD DOES NOT ACCORD WITH THE DATE OF SEALING IN BEHRING SEA.

If, then, the recollection of these three gentlemen of circumstances which passed unrecorded at the time of their occurrence, both by themselves and all other officials on the islands in these years, be accepted as substantially in accordance with the facts, we find that an increasing number of dead pups occurred each year since about 1884. In the Case of the United States, it is claimed that this took place concurrently with increased sealing in Behring Sea and in consequence of the death of suckling female seals.

British Commissioners' Report, paras. 67, 588, 589, 590.

But in 1884 only one Canadian sealing-schooner is known to have entered Behring Sea, and in 1885 but two schooners, and it was not till 1886 that as many as sixteen vessels entered the sea, and the number of seals taken there became large.

IF CORRECT, THE CONTENTION SHOWS THAT THE OBSERVED DEATHS RESULTED FROM ACTS ON THE PRIBYLOFF ISLANDS.

There is, therefore, important absence of correspondence between the date above fixed for the first excessive death of pups as asserted, and that at which the operations of sealers in Behring Sea can possibly be supposed to have exercised any perceptible effect. It will be found, on the other hand, on turning to the chapters of this Counter-Case dealing with the management of the islands themselves, that, following the expansion of the area of driving initiated in 1879, the operations of the Company in the efforts to secure their "quota" of skins were pressing with annually increasing severity on the seals there throughout these very years; and it may well be asked whether just such results might not naturally be expected to follow from such excessive and repeated driving of the seals.

Ibid., paras. 684, 685, &c., and para. 714.

THE FUNDAMENTAL ASSUMPTIONS OF THE CONTENTION HELD BY THE UNITED STATES ARE NOT PROVEN.

It must be borne in mind that the possible connection between the death of young seals on shore and the supposed killing of their mothers at sea, necessarily depends upon several circumstances which have not hitherto been adequately investigated.

IT IS NOT KNOWN THAT BREEDING FEMALES GO TO SEA FOR FOOD WHILE THE YOUNG ARE DEPENDENT ON THEM.

It is, for instance, not known that the mother seals actually go to sea for food during all that part of the early
212 life of the pup in which it is absolutely dependent on the mother. But if this be assumed, it has, further, not been shown that at this season the nursing females go to such a distance from the shores as to be taken in any considerable numbers by sea-sealers—always excluding the illegitimate killing by raiders close along the rookery fronts. Some further reference will be made to these disputed points; but, in the first place, the actual circumstances bearing on the death of young seals in 1891, in connection with which the claim now made by the United States arose, may be shortly noted.

ACTUAL CIRCUMSTANCES OF THE MORTALITY OF "PUPS" IN 1891.

Particular attention was given to this subject by the British Commissioners during their visits to the Pribyloff Islands in July, August, and September 1891; for though, as above stated, it had escaped the notice of those in charge of the islands till their attention was directed to it, it appeared to the Commissioners to be a matter of importance.

British Commissioners' Report, paras. 83, 344–346.

The result of their investigation is given at some length in their Report, which must be consulted for details. In summing up the facts, they write:

Ibid., para. 355.

> The death of so many young seals on the islands in 1891 was wholly exceptional and unprecedented, and it occurred in the very season during which, in accordance with the *modus vivendi*, every effort was being made to drive all pelagic sealers from Behring Sea. Those familiar with the islands were evidently puzzled and surprised when their attention was first drawn to it, and were for some time in doubt as to what cause it might be attributed. . . . .
>
> The mortality was at first entirely local, and though later a certain number of dead pups were found on various rookeries examined, nothing of a character comparable with that on Tolstoi rookery was discovered.

SHOWN TO BE INCOMPATIBLE WITH THE THEORY ADVANCED IN THE UNITED STATES CASE.

The Commissioners then show, by reference to dates in detail, that the excessive mortality, when first observed, had occurred at a time too early in the summer to be explained by the killing of mothers at sea; and point out that, although further deaths of young occurred at later dates, there appeared every reason to believe that the whole resulted from some one cause, which had extended from the original localities, and had become more general.

Ibid., para. 356.

The Commissioners do not regard the available evidence as sufficient to enable them definitely to determine the cause of the mortality in 1891, but suggest the following as among probable causes:

213 (*a.*) Disturbances connected with the collection of "drives," in which nursing females were included, which animals, though eventually spared, did not succeed in rejoining their young.

(*b.*) Disease of an epidemic character.

(*c.*) Stampedes and over-running of the young.

(*d.*) Raids upon the rookeries specially affected.

British Commissioners' Report, paras. 346 *et. seq.*

The circumstance that the mortality observed in 1891 was confined to St. Paul Island, and was not found on the neighbouring Island of St. George, is in itself sufficient to indicate that it cannot be attributed to the killing of seals at sea. All the witnesses cited in the United States Case in respect to the mortality in this year speak of its occurrence on St. Paul Island only.

RECURRENCE OF MORTALITY IN 1892, WHEN PRACTICALLY NO SEALS WERE KILLED IN BEHRING SEA, PROVES ABSOLUTELY THAT THE KILLING OF FEMALES AT SEA CANNOT BE ACCOUNTABLE.

Absolute confirmation of the view that the death of pups in 1891, cannot be attributed to the killing of mothers at sea, has been obtained from the experience of the year 1892. There is complete information as to the number of vessels engaged in pelagic sealing in Behring Sea during the season of 1892. The statements of sealers set out in the Appendix, the statement of Captain Parr, the Senior British Naval Officer, detailed to patrol Behring Sea, and the careful watch kept by the United States ships "Mohi-

can," "Yorktown," "Adams," "Ranger," "Rush," and "Corwin," and Her Majesty's ships "Melpomene," and "Daphne," established that not more than 500 seals were killed in Behring Sea during 1892. Therefore, no exceptional mortality among pups could have arisen from the killing of nursing females. It is, however, undoubted that more dead pups were seen on the islands in 1892 than in 1891. It was, further, again noticed that the excessive mortality was as before confined to St. Paul Island. Attention to Mr. Macoun's Report on this matter is respectfully invited.

Appendix, vol. i, p. 146.

CHARACTER OF EVIDENCE ADDUCED BY THE UNITED STATES TO SHOW THAT BREEDING FEMALES GO FAR TO SEA FOR FOOD.

A considerable body of evidence is cited in the Case of the United States, to support the statement that the nursing females regularly and frequently go long distances to sea in search of food; and in recurring to this evidence on another page, it is so mentioned as to convey the impression that the females leave the rookeries for this purpose almost immediately after the birth of the young, or, in other words, almost immediately after their arrival there; though all previous observations, together with many of the statements now cited in the United States Case itself, show that the females do not seek the water for any purpose till some time after giving birth.

314

United States Case, pp. 115–119.

Ibid., p. 209.

British Commissioners' Report, para. 306. Elliott's Census Report, p. 39, &c.

THE UNITED STATES COMMISSIONERS AND PROFESSOR ALLEN ADDUCE NO FACTS.

The United States Commissioners in their report content themselves with making the following affirmation on this subject:

> Cows when nursing regularly travel long distances to feed. They are frequently found 100 or 150 miles from the islands, and sometimes at greater distances.

United States Case, p. 329.

Professor J. A. Allen, in his specially prepared Report, merely says:

> It is further *well known* that the mother seals leave the islands at frequent intervals and proceed far out to sea in search of food, and in Behring Sea they [the female seals] make long excursions for food.

Ibid., Appendix, vol. i, pp. 409, 410.

THE AFFIDAVITS ARE SUBSEQUENT IN DATE TO THE REPORT OF UNITED STATES COMMISSIONERS.

Neither the United States Commissioners nor Professor Allen have referred to the facts upon which they have reached these conclusions. The whole of the affidavits specially referred to in the Case of the United States on this subject, except two, bear dates subsequent to that at which the Report of the United States Commissioners was completed, viz., 15th April, 1892; and of these two exceptional affidavits, one, that of Dr. H. H. McIntyre, speaks only of young (non-bearing) females going to feed. Professor Allen has not cited the facts which have led him to

assume a new position, though in his former writings he is found to be fully committed to the statement that the female seals do not feed during the season in which they resort to the breeding-islands.

THE ABSTINENCE FROM FOOD OF PINNIPEDS AT THE BREEDING SEASON IS GENERALLY RECOGNIZED.

The habit of prolonged abstinence at the breeding season is well known to be normal among the *Pinnipedia* as a whole; and notwithstanding the number of years over which the habits of seals have been observed, there is no record of food being found in the stomachs of females when killed upon the islands, or any facts that justify the statement that nursing females leave the islands on feeding excursions.

PROFESSOR ALLEN ON THIS SUBJECT.

Writing particularly of the eared-seals (or fur-seals and sea-lions), Professor Allen says:

Bull. Mus. Comp. Zool., vol. ii, No. 1, p. 37.

> One of the most striking features in their history is that at this period [that of reproduction], *both sexes* pass weeks, and even months, 215 without food, or without often visiting the water. Arriving at the breeding-grounds exceedingly fat and unwieldly, they seem to be sustained by the fat of their bodies, they finally leave at the end of the breeding season greatly emaciated.
>
> A similar fact has been long known in respect to the walrus, whose period of fasting, however, seems to be shorter than that of the eared-seals.

In his Monograph of 1880, Professor Allen writes on the same subject:

"Monograph of North American Pinnipeds," p. 227.

> The males, during the breeding season, remain wholly on land, and they will suffer death rather than leave their chosen spot. They thus sustain, for a period of several weeks, an uninterrupted fast. They arrive at the breeding stations fat and vigorous, and leave them weak and emaciated, having been nourished through their long period of fasting wholly by the fat of their own bodies. The females remain uninterruptedly on land for a much shorter period, but for a considerable time after their arrival do not leave the harems.

CAPTAIN BRYANT.

Referring particularly to the North Pacific fur-seal, Captain Bryant, who is responsible for that part of Professor Allen's work on the eared-seals which treats of the habits of this animal, notes the result of his careful investigation of the statement made by the natives, that the seals do not eat while resorting to the islands. He refers particularly to the males, but adds:

Bull. Mus. Comp. Zool., vol. ii, No. 1, pp. 101, 102.

> The same was true of the few nursing females killed for dissection.

He further draws particular attention to the absence of all excrement upon the rookery grounds.

FURTHER STATEMENTS BY PROFESSOR ALLEN AND CAPTAIN BRYANT.

Professor Allen himself, in an explanatory note to the passages just referred to, in confirmation of Bryant's statement, writes thus:

Steller states that, in the numerous specimens he dissected he always found the stomachs empty, and remarks that they take no food during the several weeks they remain on land. Mr. Dall confirms the same statement in respect to the present species, and Captains Cook, Weddell, and others, who have had opportunities for observing the different southern species, affirm the same fact in regard to the latter. Lord Shuldham long since stated that the walrus had the same habit, though its annual fast seems somewhat shorter than those of the eared-seals.

* * * * *

This singular phenomenon of a protracted annual fast during the period of parturition and the nursing of the young—the season
216 when most mammals require the most ample sustenance—seems not wholly confined to the walruses and eared-seals. So far as known, however, it is limited to the pinnipedes; and, excepting in the case of a single member, the sea-elephant (*Macrorhinus elephantinus*), to the two above-named families. By some of the old writers the sea-elephant was said to feed sparingly, at this time, on the grasses and sea-weeds that grew in the vicinity of its breeding-places, but the weight of the evidence in respect to this point seems to indicate that this species fasts similarly to the eared-seals and walruses, during the period it resorts to the land to bring forth its young.

* * * * *

It may be that other species of the earless seals undergo similar fasts, but if so, I have as yet seen no record of the fact.

Captain Bryant, in his contribution on the habits of the fur-seal, which is incorporated in Professor Allen's later-dated Monograph, does not repeat the observations recorded in his former treatise, but refers to them, and, in regard to the particular subject now in question, clearly shows that he maintained the same position as before. Writing, for instance, of the female fur-seal as follows:

From that time [*i.e.*, that of impregnation] she lies either sleeping near her young or spends her time floating or playing in the water near the shore, returning occasionally to suckle her pup.

* * * * *

The females, after giving birth to their young, temporarily repair again to the water, and are thus never all on shore at once, so that by the end of the season there will be twice as many young seals on shore as females. "Monograph of North American Pinnipeds," p. 386.

CONCLUSIONS OF THE BRITISH COMMISSIONERS ON THE SUBJECT.

The British Commissioners, as the result of their investigation of this subject, sum up their conclusions in these words:

It appears to be certain that the mature males doing duty on the breeding rookeries do not feed at all during the breeding season, and that for some time, at least several weeks, after landing, the breeding females do not leave the rookery-grounds in search of food. There is no apparent reason why the "holluschickie," or young males, should not go to sea in quest of fish. Singularly enough, however, though animals of this class have been killed by hundreds of thousands upon the breeding islands under all conceivable conditions of weather, and often within less than an hour of their deportation from their hauling-grounds, the almost universal testimony is to the effect that their stomachs are invariably found to be free from food. British Commissioners' Report, para. 232.

217 OBSERVATIONS MADE BY THEM.

British Commissioners' Report, para. 233-235.

The Commissioners then detail such observations as they were themselves able to make, including the examination of the stomachs of 108 young males (Pribyloff Island), one old male, and two females (Behring Island). The old male and the females last mentioned were driven up directly from the rookery, but 200 yards distant, and at once killed, but no trace of food was found in the stomachs.

ABSENCE OF ALL EXCREMENT ON THE BREEDING-PLACES.

The complete absence of excrement on the rookeries, already referred to in a quotation from Captain Bryant, was specially noted by the British Commissioners, who say:

Ibid., para. 243.

> It is to the absence of such matter alone that the continuous herding together on one spot for some months of so many thousand animals is on sanitary grounds rendered possible. It became obvious that so soon as the seals commence again to feed, it must be absolutely necessary for them to abandon their crowded quarters on shore. The evidence this afforded, that the females do not feed to any notable extent till the young are practically weaned, or, at all events, until very late in the suckling season, is perhaps more definite than that given in any other way.

They add:

Ibid., para. 308.

> It appears to us to be quite probable, however, that toward the close of the season of suckling, the female seals may actually begin to spend a considerable portion of their time at sea in search of food.

ANALOGY OF THE HAIR-SEAL.

In the case of the hair-seal, experienced sealers point out that there is no excrement whatever on the ice resorted to by hood-seals and floe-rats, both of which species abstain altogether from feeding whilst on the ice; but that the ice to which the harp-seal resorts is covered with dung, and the harp-seal is known to feed throughout the season.

IF FEMALES GO TO SEA FOR FOOD, THIS DOES NOT HAPPEN TILL THE AUTUMN.

Ibid., paras. 307, 308, 649.

It will thus be noted that, while presenting the available evidence on the subject, the British Commissioners did not feel themselves to be warranted in making a perfectly definite statement on it either in one sense or in the other. They, however, state their belief that if the females feed while suckling it cannot be till towards the close of the breeding season, and probably not to any notable extent till after the middle of September, at which date pelagic sealing in Behring Sea becomes practically impossible, because of boisterous weather.

EVIDENCE COLLECTED BY BRITISH COMMISSIONERS.

218 The British Commissioners endeavoured to obtain and compare as impartially as possible the statements of all those who had any familiarity with seal

life, as to the actual distances to which seals supposed to be engaged in feeding might go from the breeding islands. They found, in the first place, that the natives generally, both of the Pribyloff and Commander Islands, believed that the female seals did not feed at all till the young had been weaned; while other authorities stated very varied distances for the length of supposed feeding excursions, taking for granted in many cases that the mere presence of seals at sea during the breeding season, showed that the animals so seen had come away from the breeding-islands in search of food. All available opinions up to the date at which their Report was written are included in it, and serve to show the actual information at that time.

British Commissioners' Report, para. 307.

Ibid., paras. 309–312.

BREEDING SEALS DO NOT GO FAR FROM THE ROOKERIES FOR ANY PURPOSE.

The British Commissioners then explain the result of their own observations in 1891, which show that the seals are always to be found in considerable numbers close along the rookery fronts, while comparatively few seals are seen as much as half-a-mile from the rookeries, and that at a distance of, say, 4 miles to seaward of these places, it would be difficult for any observer to say by appearances at sea alone where a rookery ground existed. They then write to the following effect:

Ibid., para. 314.

It is, however, certain, from statements obtained, that females in milk are occasionally killed at sea by pelagic sealers, and though it is possible that there are females which have deserted the islands in consequence of having been driven up to the killing-grounds with the holluschickie, or because of some other cause of disturbance, such as the death of their young, it is highly probable that in the later summer and autumn the distance to which the females go from the breeding-place becomes gradually increased. It is, nevertheless, scarcely credible that, under any circumstances, the females engaged in feeding their young can navigate to great distances from the islands on erratic courses, and subsequently return punctually and without fail to their rookeries; and any assumption made on this basis must be regarded as requiring proof of a character very different to that so far advanced by those holding such a belief.

STATEMENTS IN THE UNITED STATES CASE RESPECTING FEMALES IN MILK KILLED AT SEA.

See particularly United States' Case, pp. 117, 118.

In examining the evidence on this subject which is specially relied upon and is referred to in the Case of the United States, in support of the theory that the death of young seals on the islands is due to the killing of the mothers at sea, it will be noticed that several of the
219 witnesses speak merely of having killed occasional seals in milk at long distances from the Pribyloff Islands, while in other cases it is taken for granted that any seals seen in Behring Sea during the breeding season must be females cruizing from the islands in search of food. Several witnesses affirm that large numbers of breeding females in milk are taken at long distances from the islands. But such females, it may well be assumed, are but strays, driven from the islands by the constant disturbances there, or

which have deserted them because of the death of their young; though in the autumn it is also possible that some cows whose pups are already practically or entirely weaned, may eventually travel to considerable distances, and possibly with no intention of returning to the islands.

FEMALES IN MILK TAKEN WHERE NO CONNECTION CAN BE ASSUMED WITH PRIBYLOFF ISLANDS.

United States Case, Appendix, vol. ii, pp. 321, 337, 348.

Some explanation of this kind must be found to account for the killing of a few seals in milk, late in August, in and about the passes of the Aleutian Islands, referred to by several witnesses cited by the United States. In the evi-

Appendix, vol. ii, pp. 49, 70, 73.

dence of sealers contained in the Appendix to this Counter-Case, Messrs. W. Shields and J. Brown state that they have killed females in milk, in different years, off Kadiak Island. E. Lorenz and G. C. Errow have similarly found females in milk in several years. In none of the above cases can the females so killed be supposed to have left suckling young upon the Pribyloff Islands.

FEMALES IN MILK TAKEN AFTER YOUNG ARE WEANED.

Ibid., pp,22,23.

Further evidence to the same effect is given by other witnesses, who state that though some seals in milk were taken by them in Behring Sea, those got after the end of July showed only traces of milk; and this, in such a manner as to prove that they were running dry, either because the young had already been naturally weaned, or in consequence of the loss of their young, or abandonment of the breeding-grounds.

FISH ABOUND NEAR THE BREEDING-PLACES.

Appendix, vol. i, p. 138.

It will be remembered that the evidence is such as to show that, if any class of seals go systematically in search of food during the breeding season, this can only be the females. But from the facts obtained respecting the abundance of fish in the immediate vicinity of the breeding-islands, it appears to be certain that these are not preyed upon to any great extent by the masses of seals frequenting the shores.

British Commissioners' Report, para. 231.

The British Commissioners report that such fish as cod and halibut are taken by the natives at distances
220 varying from 1 to 3 miles from the rookeries on St. Paul and St. George Islands, and add that when at anchor within less than half-a-mile off the largest rookery on Behring Island, cod and other fishes were caught in abundance at a depth of 6 to 7 fathoms.

Mr. Macoun, as the result of his observations in 1892, presents further evidence in detail, such as to show that fish abound in the immediate vicinity of both the Pribyloff and Commander Islands, and adds:

Appendix, vol. i, p. 139.

It is thus evident that should seals, whether males or females, require food during the time they resort to the islands (which has not been proved), it is to be had in abundance close to the rookeries.

THOUGH OTHERWISE STATED IN UNITED STATES CASE.

The facts above alluded to are, however, directly in contradiction of the statement found in the Case of the United States, to the effect that fish are very scarce in the waters in the vicinity of the breeding-islands. This in effect is merely an unsupported and hypothetical assumption, and it is difficult to determine whether it is the basis of the further statement as to excursions of seals to great distances to feed, or is consequent on that statement. United States Case, p. 116.

THERE IS THEREFORE NO REASON TO SUPPOSE THAT SEALS, IF LOOKING FOR FOOD, SHOULD GO TO GREAT DISTANCES.

With the facts in evidence, it is quite unreasonable to suppose that female or other seals seeking food go to great distances in this quest, while ample supplies might be obtained by them without this effort.

It is submitted from the facts contained in the foregoing chapter that it is established that any abnormal death of pups on the islands is not due to pelagic sealing; and that pelagic sealing is not an illegitimate, improper, or wasteful method of killing seals.

That the contention in the United States Case that pelagic sealing is wholly destructive of the seal property, is without foundation; and that it is a legitimate development of the original method of taking seals practised by the Indians and other inhabitants of the coasts of America.

That the allegations respecting its injurious effect upon seal life are greatly exaggerated, and that any incident connected therewith, proved to be harmful, can be effectively dealt with by a scheme of general regulations.

CHAPTER XII.

Management of the Pribyloff Islands by Russia and by the United States.

HISTORICAL OUTLINE OF MANAGEMENT.

The United States Contentions.

(1.) **United States Case, p. 131—**
"Under the general protective system adopted by Russia for seal life and the restrictions added from time to time, the seal herd continued to increase, until the Managers of the Russian-American Company considered it possible and expedient to take 70,000 skins from St. Paul Island without danger of depleting the seal population."

(2.) United States Case, p. 74—
"It was the fur industry more than all other considerations which decided the United States to pay the sum of 7,200,000 dollars required by Russia for the cession and transfer of her sovereign rights and property."

(3.) United States Case, p. 132—
"When the United States came into possession of these islands by the cession of 1867, it was impossible immediately to formulate an administrative system for all portions of the territory then so little known and so distant from the seat of government. The year 1868 was one of *interregnum* in the Pribilof Islands."

(4.) United States Case, p. 133—
"The following spring (1869) the Government Agent, Dr. H. H. McIntyre, and a revenue vessel, under command of Captain John A. Henriques, reached the islands, and immediately took precautions to protect the seal herd from molestation."

(5.) United States Case, p. 134—
"Various recommendations and suggestions were made to the Congress of the United States in relation to this matter, but after a thorough and careful examination of the various methods proposed the most expedient was found to be the leasing of the islands to a single, reliable Company, under the immediate supervision and control of Agents of the United States Treasury Department duly appointed for that purpose."

(6.) United States Case, p. 153—
"I do not see how it is possible to conduct the sealing process with greater care or judgment."

(7.) United States Case, p, 296—
"That the present existence of the herd is due wholly to the care and protection exercised by the United States and by Russia."

Summary of British Reply.

A historical review of the management of the Pribyloff Islands by Russia, shows that till 1806 practically no care was exercised; that between 1806 and 1835
222 the number of seals generally diminished; that from about 1842 it gradually increased, under an improved control; and that the rookeries were in excellent condition when Alaska was ceded to the United States in 1867.

During the years from 1820 to 1867, statisties show that the annual average number of seals killed did not exceed 45,000.

In 1868, the Russian control being withdrawn, an excessive slaughter of seals was permitted to occur, over 250,000 being killed. In 1869 and 1870, a partial but very incomplete control of the islands was established by the United States, and the number of seals killed in these years is only approximately known.

Though it was suggested by several competent authorities that the Government should assume sole control of the seal interests on the Pribyloff Islands, these interests were vested in a Commercial Company by lease in 1870.

Notwithstanding the experience gained in previous years, the number of seals permitted to be killed for skins annually on the islands was at the same time experimentally fixed at 100,000. The actual number killed exceeded this amount.

The "quota" thus established became in effect a fixed number, and was not reduced by the Government during the entire twenty years' term of lease of the Company, though repeatedly mentioned in official Reports as being too great.

The effects of this excessive killing can now be traced, in the condition of the seal rookeries, as recorded in the contemporaneous Reports of various years.

The restriction of killing on the islands to young males did not obviate the result of excessive killing; but, on the contrary, induced serious changes affecting the organization of the rookeries and vitality of the seals.

No regulations heretofore devised can render the killing of fur-seals upon their breeding-islands other than dangerous; and in the particular case of the Pribyloff Islands, the method of management has been imperfect in conception and execution.

RUSSIAN AND UNITED STATES MANAGEMENT.

This subject divides itself naturally into two periods, viz., that of the Russian control and that of the subsequent control by the United States. It is quite apparent, from an examination of the history of the islands, and particularly from the collection and discussion of the known facts set out in the Report of the British Behring Sea Commissioners, that the evils which have arisen on the islands are largely attributable to the methods of management and control there employed, which have from the first been imperfect, not only in conception, but also and to even a greater degree in execution.

The immediate interest in these methods on the breeding-islands, is obviously greatest in regard to the management by the United States, but important conclusions of fact may be deduced from a comparison of the two periods, that before and that after the cession of Alaska to the United States.

223 STATEMENTS IN UNITED STATES CASE RELATING TO RUSSIAN MANAGEMENT INACCURATE.

In the Case of the United States, a brief statement is made respecting the management during the Russian régime, by which it is made to appear that, from the time at which the Russian-American Company was organized in 1799, an efficient control and system was adopted, under which the fur-seals resorting to the islands continuously increased throughout, and up to the date of the cession of Alaska to the United States. This contention is, however, very far from being in accord with the historical facts, which are generally well known, chiefly by means of the writings of the Russian chronicler, Veniaminov. These facts will be found in the form of a Summary in the Report of the British Behring Sea Commissioners.

United States Case, p. 130.

British Commissioners' Report, paras. 39-41.

It is considered to be unnecessary here to enter into any detailed criticism of the management of the Pribyloff Islands by the Russians, for which reference may be made to the authorities stated, as well as to Mr. Elliott's synopsis of the conditions contained in that part of his Report of 1890 which has been published, and which is printed in one of the Appendices to the British Case.

British Case, Appendix, vol. iii, "United States No. 2 (1891)," pp. 58–60.

OUTLINE OF THE RUSSIAN RÉGIME.

It is known that practically indiscriminate killing continued from the discovery of the islands in 1786 down to 1806, when the Russian Ambassador Resanof visited the islands, and learned that the seals had decreased 90 per cent. since the earlier years. He ordered the killing to stop for a time, but notwithstanding this and other precautionary measures, insufficient in themselves or imperfectly carried out, a continued decline in the number of seals took place until 1834 or 1835. From about 1842, an increase commenced, which (with possibly some brief periods of arrest or reversal) was generally maintained till the close of the Russian régime. It is further shown that the decrease depended largely upon the killing at certain times of great numbers of seals, and it is even asserted by Veniaminov that between 1801 and 1804 the Company had accumulated about 800,000 skins, many of which rotted for want of care, and were destroyed or thrown away.

British Commissioners' Report, p. 788.

Ibid., para. 786.

Bancroft's "Alaska," p. 417.

In the earlier years, both males and females, as well as young, were killed; but even after the killing was directed chiefly to young males, the bad effect of killing these in excessive numbers was well known. Thus Mr. Yanovsky, reporting on his inspection of the rookeries in 1820, remarks:

224

> . . . . that every year the young bachelor seals are killed, and that only the cows "sekatch," and half "sekatch" are left to propagate the species; it follows that only the old seals are left, while, if any of the bachelors remain alive in the autumn, they are sure to be killed the next spring. The consequence is, that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.
>
> This view is confirmed by experience.

Revised translation, Appendix, vol. i, p. 21.

Mr. Yanovsky then recommends that not more than 50,000 seals in all should be taken annually from the Pribyloff Islands; but the reduction in numbers of the seals which had already taken place did not permit even this number being taken in succeeding years.

NUMBER OF SEALS KILLED DURING RUSSIAN CONTROL COMPARATIVELY MODERATE.

In one important respect, however, the Russian management is found to contrast very favourably with that under the United States, *i. e.*, in the comparatively small number of seals actually killed. From the year 1817 accurate data on this subject are available, and for the whole period of the Russian control a fairly exact estimate of the average

annual killing may be made from various sources. After a careful examination of the data, the British Commissioners write:

Combining the whole period covered by the figures above quoted, and adding the year in which the islands were discovered, we find that the killing on the Pribyloff Islands averaged for this term of eighty-one years about 34,000 annually. British Commissioners' Report, para. 39.

REASON OF EXCESSIVE KILLING IN LAST YEAR OF RUSSIAN CONTROL.

For the years subsequent to 1816 the actual numbers are given in tabular form, from which it appears that the average numbers killed from 1817 to 1837 fall from over 50,000 to less than 20,000. After the latter year the numbers taken remained under an annual average of 20,000 until the year 1856, when the average for ten years rose to 30,000. The high figure of 75,000 was quite exceptional, and was reached only in the last year (1867) of the Russian tenure, when, according to Captain Bryant, "knowing the islands were to be surrenderd to the United States, the Russians took all the seals they could." It was fortunate that at this time the Russian methods of handling the skins did not enable them to take more. Ibid., paras. 775–779. Quoted by Allen in "Monograph of North American Pinnibeds," p. 389.

225 The killing of 75,000 in the last year of the Russian tenure is, however, so referred to in the United States' Case as to appear to be a natural consequence of an increasing abundance of seals, and is apparently intended to lead up to the killing of 100,000 authorized soon after by the United States Government. United States Case, p. 131.

An examination of diagram No. 5 in the Report of the British Commissioners will, however, show more distinctly than any mere reference to figures, the actual character and amount of killing during the greater part of the Russian régime.

OPINION OF RUSSIAN AUTHORITIES ON NUMBER PROPERLY KILLABLE.

Veniaminov, the chief authority on the condition of the Pribyloff Islands during the earlier years, characterizes the killing of about 100,000 seals on the islands, which occurred previous to 1799, as "horrible killing," and that of 50,000 seals, occurring about 1820, as excessive and leading to diminution; while the Board of Management of the Russian Company, following Mr. Yanovsky's Report in 1821, express the opinion that 40,000 might safely be taken on St. Paul and 10,000 on St. George, in conjunction with a period of total rest every fifth year. Elliott's Census Report, pp. 70, 140, 147. Ibid., p. 147. United States Case, Appendix, vol. i, p. 58.

OTHER AUTHORITIES ON NUMBER KILLED DURING RUSSIAN RÉGIME.

Bryant, likewise, referring to the later years of the Russian régime before 1867, writes:

For many years they were able to kill only a small number, but the seals gradually increased, so that they killed as many as 40,000 in one year. Quoted by Allen in "Monograph of North American Pinnipeds," p. 389.

Mr. W. H. Dall, who visited the islands in 1868, may also be quoted to the same effect, as follows:

"Alaska and its Resources," p. 496.

At first the fur-seal were killed in immense numbers by the Russians. At one time 300,000 skins were destroyed, in order that the market might not be overstocked. It was only when their numbers were very greatly diminished that the number annually killed was limited, and the other previously mentioned restrictions were imposed. Of late years not more than 50,000 fur-seal were allowed to be killed annually.

50,000 ANNUALLY, CONSIDERED A SAFE MAXIMUM NUMBER.

It is evident from the foregoing remarks that an annual killing for skins of about 50,000 seals upon the Pribyloff Islands was thought to be, as the result of experiences gained by the Russians, a safe maximum killing at times when the rookeries upon these islands were in excellent condition.

British Commissioners' Report, para. 39.

As a matter of fact, it appears that, under the Russian régime, for a period of eighty-one years, from the discovery of the islands to 1866, the average annual killing reached about 34,000 only.

226 CESSION OF ALASKA TO UNITED STATES IN 1867.

In 1867, Russian America, now known as Alaska, was ceded by Russia to the United States and the Pribyloff Islands as a part of the territory passed into the control of the United States.

ENORMOUS SLAUGHTER RESULTING IN 1868.

British Commissioners' Report, para. 808.
Elliott's Census Report, p. 28.
"Monograph of North American Pinnipeds," pp. 390, 398.
Dall's "Alaska," p. 497.

Though the Treaty of Cession was concluded as early as the 30th March, 1867, the Russian-American Company retained possession of the Pribyloff Islands throughout the summer or sealing season of that year. In the following year (1868) a number of private adventurers, chiefly from the United States, took possession of the islands and proceeded to carry out an altogether unprecedented slaughter of seals, in the entire absence of Government supervision, to the estimated number of 240,000 or 250,000 on the Island of St. Paul, and 30,000 or 35,000 on the Island of St. George.

VALUE OF PRIBYLOFF ISLANDS AT FIRST UNKNOWN IN THE UNITED STATES.

United States Case, pp. 74–77.

It is contended in the Case of the United States that the value of the fur-seals, and especially that of the Pribyloff Islands as the breeding-places of this animal, was well known to the United States at the time of the acquisition of Alaska, and constituted a chief object in connection with the purchase of that territory. This assertion has been disproved by the facts quoted on a former page of this Counter-Case. Had such been the case, it is impossible to believe that the United States would so have neglected the protection of the breeding-islands.

See p. 71.

The first effect of the "management" of the Pribyloff Islands by the United States must be conceded to have been most disastrous to seal life. The results of the extraordinary slaughter which then occurred are traced in the Report of the British Commissioners.

British Commissioners' Report, paras. 44, 809.

PARTIAL BUT INEFFECTIVE CONTROL ESTABLISHED BY THE UNITED STATES IN 1869. NUMBER OF SEALS KILLED UNKNOWN.

Sixteen months after the date of the Alaska Cession, an Act was passed by the United States Congress, which, with other provisions, rendered it unlawful to kill certain fur-bearing animals (including the fur-seal) in Alaska; and in 1869 Government control of the Pribyloff Islands to a limited extent appears to have been attempted. Agents of the United States Government were certainly upon the islands, but the actual number of seals killed is not known, the estimates made by various officials ranging from about 42,000 to about 150,000. Mr. H. W. Elliott in his Monograph gives the number killed as 87,000.

Ibid., para. 809. United States Senate, Ex. Doc. No. 32, 41st Cong., 2nd Sess., pp. 24, 37. United States Census Report, p. 25.

227 ABOUT 500,000 SEALS KILLED IN THE YEARS 1867–69.

It is thus apparent that during the three years 1867, 1868, and 1869, over 400,000 seals were killed, and it is probable that, including the 30,000 or 35,000 killed on St. George Island, with other unrecorded killings, the actual number was nearer 500,000.

Report to Secretary of War by General Jefferson C. Davis, August 20, 1870.

No supervision was exercised as to the kind of seals killed, and though there is reason to believe that, in consequence of the previous training of the Aleuts under the Russians, these were chiefly males, it is known that at least 40,000 females were included, in the single year 1868.

British Commissioners' Report, para. 808.

Mr. H. W. Elliott writes, concerning the management of the Pribyloff Islands previous to the control of the Alaska Commercial Company:

> It was a disorderly medley of civil and military authority, and, as near as I can learn, reflects no special credit on any of the officers concerned on the part of the Government.

"Report on condition of Affairs in Alaska," p. 240.

THE PROPOSAL TO LEASE THE PRIBYLOFFS TO A COMPANY CONDEMNED.

In 1870, the United States Government decided to lease the right of killing seals upon the Pribyloff Islands to the highest responsible bidder; an Act of Congress was passed for this purpose, and a lease was accorded to the Alaska Commercial Company for a period of twenty years. The wisdom of the step thus taken was very seriously questioned in the United States at the time.

MR. WASHBURNE.

Mr. Washburne, in the House of Representatives, on the 13th January, 1869, in a debate on a Bill to provide territorial Government for Alaska, opposed section 7 on the

"Congressional Globe," 40th Cong., 3rd Sess., p. 341.

plea that it would effect a monopoly of the seal fisheries in the interests of a few. Several Companies, he stated, were endeavouring for a "mere song" to obtain the exclusive right of carrying on these fisheries.

MR. FOWLER.

"Congressional Globe," Part II, 40th Cong., 3rd Sess., p. 1497. Sen., February 23, 1869.

When in the month of February 1869, the proposed lease to the Alaska Commercial Company was before Congress, Mr. Fowler resisted the Bill as the first of the kind ever proposed in Congress, and stigmatized it as a most bold-faced monopoly and an infamous proposition, without a solitary reason in its favour.

MR. F. N. WICKER.

House Mis. Doc. No. 11, 41st Cong., 2nd Sess., vol. i.

Frank N. Wicker, United States Special Treasury Agent (4th November, 1869), recommended the passage of a Bill authorising the Government to assume sole control of the seal fisheries of St. George and St. Paul Islands; to
228 remove all traders except the natives, who should be employed to kill seals at fair remuneration; and to appoint inspectors at liberal salaries to carry out restrictions imposed.

DR. DALL.

Dall's "Alaska and its Resources," p. 497.

Dall, in his work on Alaska, suggests a method of dealing with the management of the islands in the event of a monopoly being considered inconsistent with the spirit of the United States institutions. Secretary of the Treasury Boutwell in 1870 reported that the suggestion had been made to the Department in various forms that the islands should be leased to a Company. He believed the plan to be open to very grave objections, in that it created a monopoly in an industry important to the people of the United States. Such a monopoly, he stated, was opposed to the ideas of the people; while, as the expiration of the lease approached, the inducements to protect the interests involved would diminish. He could not concur in the lease. He then suggested a method of Government control.

Mr. Boutwell. Ex. Doc. 109, 41st Cong., 2nd Sess.

MR. ELLIOTT.

Professor Elliott says:

Elliott, Census Report, p. 26.

It will be remembered that at the time the question of leasing the islands was before Congress much opposition to the proposal was made on several grounds by two classes—one of which argued against a "monopoly," the other urging that the Government itself would realize more by taking the whole management of the business into its own hands.

He added, however, that as he was absent at the time of the discussion, and not knowing the arguments employed in it, he found himself, at the time of writing, of opinion that the leasing of the islands to the highest bidder was the correct mode of dealing with them.

NO EFFICIENT CONTROL ESTABLISHED IN 1870, THE FIRST YEAR OF LEASE.

The lessees, in consequence of the late date at which they obtained their lease, did not enter into any full control of the Pribyloff Islands in 1870, and the number of seals killed in this year is again not known with certainty. The natives were allowed (as in the previous year) to kill seals not only for food, but also for the purpose of obtaining supplies by the sale of the skins. Captain Bryant, who was at the islands in this year, and General Davis, estimate that the natives thus killed 85,000 seals. An official return of seals killed of which the Government officers had actual cognizance (made up in 1871) shows a killing of 23,773, of which less than 10,000 skins in all were saved.

Bryant in "Monograph of North American Pinnipeds," pp. 391, 398.
British Commissioners' Report, para. 810.
H. R., Ex. Doc. 83, 44th Cong., 1st Sess. Elliott's Census Report, p. 70.

229 FACTS WHICH SHOULD HAVE GUIDED THE UNITED STATES IN ESTABLISHING THE NUMBER OF SEALS TO BE KILLED BY THE COMPANY.

After a full examination of the data respecting the condition of the Pribyloff Islands during the Russian tenure, the British Commissioners write:

From the experiences thus recorded, it appears to be very clearly shown that in the average of years the killing of 40,000 to 50,000 seals on St. Paul was more than this, the principal seal-bearing island, could stand, while that practised during the later years of the Russian control scarcely fell short of the figure at which all continued increase in number of seals would cease.

British Commissioners' Report, para. 664.

When therefore the Alaska Commercial Company was placed in possession of the Pribyloff Islands by the United States Government, any examination of the Russian records would have shown it to be necessary, on the most ordinary prudential grounds, to limit the number of seals to be taken in accordance with former experience. Indeed, the extraordinary slaughter which had characterized the inception of the United States control pointed very strongly to the necessity of restricting the killing to a very low number for several years following, and to a subsequent permission of a gradual increase, if the conditions actually existing from year to year should be found to warrant such increase.

THESE WERE NOT CONSIDERED, BUT A "QUOTA" MORE THAN DOUBLE THAT BEFORE TAKEN WAS FIXED ON.

No such safe policy was pursued. The number of skins to be taken annually was, on the contrary, arbitrarily and without sufficient data, and, as it was admitted at the time, experimentally, fixed at 100,000. While it is true that the Act of Congress reserved the right to the Secretary of the Treasury of reducing the number if found necessary, no reduction was in fact attempted during the continuance of the lease of the Alaska Commercial Company, or till the year 1890, though information was not wanting in some subsequent years, as to the deleterious change which had begun and was progressing upon the rookeries.

Ibid., paras. 47, 809, 810, 815.
United States Senate, Ex. Doc. 32, 41st Cong., 2nd Sess., Dall's "Alaska," pp. 496, 497.

CONTRAST WITH RUSSIAN KILLING.

No such number of seals had been killed in any year under the Russian control since 1806. The character of the new and unprecedented draft which thus began upon seal life is very clearly shown by diagram No. 5 in the Report of the British Commissioners.

THE QUOTA APPLIED TO MARKETABLE SKINS; MANY MORE SEALS WERE KILLED.

It is further to be noted that the number fixed by law applied to marketable skins only, while the actual
230 number of seals killed exceeded 100,000 in every year, save three, of the Alaska Commercial Company's lease, and in some years very considerably exceeded this number. Thus, during the period of this lease, not less than 129,530 seals (consisting for the larger part of unweaned young) are shown by the official figures to have been killed for food or other purposes, of which the skins were not marketable. This alone, and without counting other causes of loss (which will be subsequently referred to) incident to the methods practised, amounts to a waste of over 7 per cent. on the whole number of skins secured.

Waste shown by official figures to be over 7 per cent.

British Commissioners' Report, paras. 49, 50.

HOW THE EFFECTS OF THE POLICY INITIATED MAY BE TRACED.

The effect of the excessive rate of killing thus initiated and allowed to continue on the islands, and the changes which it produced on the organization of the breeding rookeries, all of a nature deleterious to seal life—and resulting in the main in almost continuous decrease in total number of seals from the first years of the United States control—are referred to in some detail by the British Commissioners. In tracing this effect, reliance is chiefly placed on the official Reports made from time to time to the United States' Government, but the evidence thus afforded is fully confirmed by personal inquiries and information subsequently obtained.

See particularly British Commissioners' Report, paras. 47-59, 662-703, 811-832.

THE EXCESSIVE KILLING MAINLY RESPONSIBLE FOR DECREASE ON THE ISLANDS.

While the contemporaneous official Reports are not in all respects so full and explicit as could be desired, it is submitted that they now form the best available evidence, and are for all purposes superior in authenticity to the retrospective statements which appear to be almost exclusively depended upon in the Case presented by the United States Government, in regard to the questions here at issue.

It is not maintained on the part of Great Britain that the operations of pelagic sealers have been without effect on the total volume of seal life in the North Pacific; but, on the contrary, it is admitted that this has in late years,

though in a minor degree, contributed to produce the general decrease in numbers which is pointed out as having occurred, in the Joint Report of the British and United States Commissioners.

INJURY TO SEAL LIFE ON THE ISLANDS SOON BECAME APPARENT, BUT THE "QUOTA" REMAINED FIXED.

It is, however, maintained that the available evidence is amply sufficient to show that this decrease began, and had already attained a cumulative character, long before the development of pelagic sealing had reached such proportions as to render it of importance in this connection.

231 It is further maintained that, even after the general decrease had gone so far that it could no longer be ignored upon the Pribyloff Islands, the number of seals permitted to be killed there by the United States Government had practically become a *fixed number*, which was not reduced even to correspond with the evident requirements of the case. The imperfect and wasteful methods employed were not amended, and even the (now admittedly) useless slaughter of unweaned young seals was allowed to continue unchecked till the year 1891.

NOTES INDICATING THE DECADENCE OF THE SEAL ROOKERIES UNDER UNITED STATES MANAGEMENT.

Referring particularly to the historical aspects of this question of the management on the Pribyloff Islands by the United States, and without repeating the details or citations of authorities to be found in the Report of the British Commissioners, the following chronological notes on this subject may be given, in evidence of the continued decadence of seal life under the management of the United States:

1869.—Immediately after the excessive and irregular slaughter of 1868, seals are reported to have disappeared rapidly from the Pribyloff Islands (Bancroft, vol. xxxiii, p. 638), and coincidently seals were observed in unusual numbers on the coasts of Oregon, Washington Territory, and British Columbia.—(Bryant.) British Commissioners' Report, paras. 809 *et seq.*

1872.—The number of virile males not actually upon the breeding-grounds, was observed to be decreasing, while that of females was increasing.—(Bryant.)

1873.—The number of virile males was reduced to half what it had been before, while the females were still increasing, and the size of the "harems" was likewise increasing, with other grave changes in habits.—(Bryant.)

1874.—Lieutenant Maynard speaks doubtfully of the effect of killing the large legal quota of seals, which he says is "entirely experimental." He notes the small number of bulls in proportion to cows.

1875.—It was in this year first officially reported that the killing of 100,000 young males annually did not leave a sufficient number to mature in proportion to the females. The useless killing of pups was also protested against.—(Bryant.)

1876.—The decrease in fully matured males resulting from the slaughter of young males in 1868 and 1869 was in this year greatest. It was again reported that the number fixed for killing was too high.—(Bryant.)

232 1879.—In this year it became necessary to extend the area of "driving" to include rookeries which had not before been drawn upon, in order to obtain the quota of skins.

1880.—Colonel J. Murray dates the beginning of a steady decrease in numbers from this year.

1881.—The killing of pups for food alone, was again strongly protested against.—(Elliott.)

1882.—The required number of large skins could no longer be obtained in this year.—(McIntyre.) The same gentleman places the beginning of decrease in this year. A decrease in the number of "killables" on St. George Island was noted.—(Wardman.)

1885.—No increase in seals between 1882 or 1883 and this year.—(Moulton, Gliddon.)

1886-87.—The standard weight of skins was lowered in these years in order to allow the Company to make up its quota by killing smaller animals.

1888.—McIntyre states that the number of seals had decreased since 1882, that the rookeries did not produce enough to bear the killing of "100,000 by marauders in addition to the 100,000 killed lawfully." He again recommends that the killing of pups should be stopped, and notes that there were too few bull seals on the rookeries. He adds that the size of skins ruled still smaller than in 1883. The standard weight was actually lowered from 6 lbs. to 4½ lbs., so as to enable all seals down to 2-year-olds to be taken.

1889.—The standard weight of skins was still further lowered, for the purpose of allowing the number of 100,000 to be taken. Some 40,000 very small skins were included, many being those of yearling seals.

A scarcity of full-grown virile males in proportion to females was evidenced by the large number of barren females in 1890.—(Elliott.)

1890.—Finding that it would be impossible to secure the legal quota of male seals in this year, the Government Agent (Goff), for the first time in the history of the islands under the United States, took the responsibility of stopping the killing when only 20,995 skins had been secured. He speaks of the "indiscriminate slaughter upon the islands, regardless of the future life of the breeding rookeries," and the "unequal distribution of ages and sexes" as among the chief causes of the decline. In the same year Agent Murray states that after several meetings and full discussion the natives unanimously declared that the decrease was due to the killing of too many male seals. He affirms this belief also from his own experience. Agent Lavender registers his opinion to the same effect. Agent Nettleton coincides with Goff's conclusions. Special Agent Elliott also particularly refers to the scarcity of virile males, and adds, "that result began, it now seems clear, to set in from the beginning, twenty years ago, under the present system."

British Case, Appendix, vol. iii, "United States No. 2 (1891)," pp. 16, 17.

Ibid., p. 19.
Ibid., p. 21.
Ibid., p. 48.
Ibid., p. 57.

233 The above notes, based as far as possible on observed facts only, serve to indicate the general tendency of affairs connected with seal life on the islands under the management of the United States, and to bear out the conclusion that the number originally fixed for killing and retained as the legal quota till the year 1890 was throughout too high, and had thus from the first been a leading cause of decrease of a cumulative nature.

WARNINGS AS TO WASTEFUL KILLING DISREGARDED.

It will be observed, that none of the above-cited protests or warnings as to the excessive number of seals killed, or even those respecting the wasteful killing of suckling pups for food, appear to have received attention from the Government, which, on the other hand, appear to have relied on such general statements of continued increase and excellent state of the breeding rookeries as were freely supplied, often in the text of the same Reports from which the above extracts are made, to a date as late as 1888.

STANDARD SIZE OF SKINS LOWERED TO ENABLE QUOTA TO BE FILLED.

It will further be observed that, when the diminution in the number of seals on or about the Pribyloff Islands could no longer be denied, the complaints made by the agents and lessees were of lack of killable male seals; that the lowering of the standard weight of skins was permitted from year to year in order to allow younger and yet younger classes of males to be killed; and thus, that instead of adopting measures to check the decrease, the Government through its agents actually facilitated the perpetuation and annual growth of the evil complained of.

The Tables given in the Appendix to this Counter-Case, including, as they do, practically the entire number of skins obtained from the Pribyloff Islands since 1873, conclusively substantiate the remarks above made, and prove the gradual decadence in the condition of the rookeries from that date, by showing that the average size of the skins obtained has been in the main steadily diminishing. Appendix, vol. ii, p. 256.

In order to fully explain the nature and effects of the management of the Pribyloff Islands under the United States régime, some of the points above alluded to must, however, be considered in greater detail.

THE EXCESSIVE KILLING CHANGED THE NATURAL CONDITION OF THE ROOKERIES.

It is, in the first place, quite apparent, that the natural conditions of seal life were, from the very beginning of commercial killing by man, interfered with, and that
234 the balance established by nature being thus disturbed, various concurrent changes affecting seal life necessarily followed. It is further seen, from the historical notes which are available, that such disturbance becomes more and more serious and far-reaching in its effects, in correspondence with the yearly increasing extent of interference with the natural conditions. If the killing of the fur-seals while on land had been so regulated that a proportionate number of males and females were taken, leaving unaffected the natural ratio between the sexes, the whole number would doubtless have been reduced, but the favourable conditions of nature would not have been otherwise affected. When, however, the killing was directed solely to one sex, the occurrence of very grave changes became inevitable. The British Commissioners write: British Commissioners' Report, para. 35.

Changes aggravated by the restriction of killing to males.

THIS INTERFERED WITH NATURAL PROCESS OF SELECTION OF BREEDING MALES.

Such changes are not prevented by the restriction of killing to males, for an excess in number of males is a part of the natural conditions, and any change in the proportion of males, even if not pushed so far as to become in itself a cause of decrease in numbers born, constitutes a true cause of change in habits, and has a very special effect on the time and place of landing of the females . . . . An excess in number of males, with the consequent competition for females, must, in all probbaility, further be regarded as a provision for maintaining the strength of the race as a whole by means of natural selec- Ibid., para. 46.

tion, and in the case of the fur-seal it is not possible to substitute for such provision the artificial selection of breeding males, as is done with animals under the control of man.

The particular point last alluded to in the above extract is also very well taken by Count Tommaso Salvadori, who, in his reply to a "Circular Letter" by Dr. C. H. Merriam, elsewhere referred to, writes:

United States Case, Appendix, vol. i, p. 423.

But, at the same time, I think that the yearly killing of about 100,000 young males on the Pribilof Islands must have some influence on the diminution of the herds, *especially preventing the natural or sexual selection of the stronger males*, which would follow, if the young males were not killed in such a great number.

Further, it must be borne in mind that, though large numbers of seals not actually engaged in breeding resort to the breeding-islands, the true reason of the coming to land of the fur-seals for a certain portion of each year, is the necessity imposed on the females so to do for the purpose of giving birth to their young. It is at this particular season that most wild animals are by civilized peoples granted a period of respite from disturbance and slaughter, and though in this instance it has been exceptionally held, as a theory, that the non-breeding young males can be secured and killed without disturbing the actually breeding seals, this is not in fact the case.

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ANY DISTURBANCE ON THE ISLANDS DELETERIOUS AND UNNATURAL.

Isolation and quiet are the ruling cause of the resort of the seals to these particular islands. This is sufficiently plain from an examination of the circumstances in the North Pacific, and it is unnecessary to go further afield in search of climatic or physical conditions of a peculiar kind. The known facts respecting seal rookeries in other parts of the world may, however, be referred to as affording confirmatory evidence to the same effect.

The British Commissioners write as follows on this subject:

British Commissioners' Report, para. 76.

It is thus clear that the slaughter of seals upon the breeding islands is in itself an essentially critical and dangerous method of killing, which, though established by long custom, cannot be otherwise justified. No regulations which have heretofore been devised have even theoretically removed such dangers.

Ibid., para. 35.

The fact that the Pribyloff Islands are now permanently inhabited by man, apart from the more specific disturbance of the breeding-places which results from the methods of taking the seals, must in itself be regarded as an anomaly. The smoke and movement incident to habitation of the islands, and the odour of the many thousand putrid carcasses upon the various killing-grounds, must have a disturbing effect upon the seals.

It remains to be noted, in connection with the question of the management of the Pribyloff Islands, that expressions to be found in the writings of various authors, referring in terms of approval to the methods of management, are based, probably in every instance, on the statements contained in the earlier works of Mr. H. W. Elliott. Through

these alone has any general account of the Pribyloff Islands obtained wide publicity. Mr. Elliott has, in fact, been accepted as the chief authority on seal life in the North Pacific. Commendatory expressions of the kind above alluded to are cited in the Case of the United States, but

Mr. Elliott's works are no longer referred to on any
236 point, nor has his latest Report, resulting from his special investigations on the Pribyloff Islands in 1890, been published by the United States. Such portions of this Report as the author has himself made public show that he has found reason to change his former opinions as to the propriety of the methods employed on the islands.

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CHAPTER XIII.

Management of the Pribyloff Islands by Russia and by the United States—(continued).

EXCESSIVE KILLING OF MALE SEALS.

The United States Contentions.

(1.) United States Case, p. 153—

"The number of seals allowed to be killed annually by the lessees was, from 1871 to 1889 inclusive, 100,000, but this number is variable, and entirely within the control of the Treasury Department of the United States. In 1889, Charles J. Goff, then the Government Agent on the islands, reported to the Department that he considered it necessary to reduce the quota of skins to be taken in 1890."

(2.) United States Case, p. 154—

"The killing of a portion of the surplus male life is undoubtedly a benefit to the herd, as it is with other domestic and polygamous animals. For it has always been found that such an act increases the number of the progeny. The American Commissioners also demonstrate by the diagrams attached to their report, which are explained in the body of the document, that a large portion of the young male seals can be killed without reducing or affecting the normal birth-rate."

(3.) United States Case, p. 172—

"Nor was this marked decrease chargeable to the fact that there were not sufficient males to serve the females resorting to the islands."

(4.) United States Case, p. 174—

"It has also been shown that the decrease in the seals took place primarily among the female portion of the herd."

Summary of British Reply.

Though several causes have contributed to the reduction in number of fur-seals on the Pribyloff Islands, the scarcity of virile males, due to the continued and excessive killing of male seals there, is one of the most important of such causes; and, with other results of mode of management, mainly accounts for the observed decrease.

The contention, now for the first time advanced, that the scarcity of seals on the Pribyloff Islands is chiefly in respect to females, and that there has been no want of virile males, is contradicted by the published Reports of the officers of the United States on the islands.

The retrospective statements of the few witnesses, quoted to support this new position, are in several cases directly negatived by previous official Reports of the same gentlemen.

238 Mr. H. W Elliott, who had investigated the facts of seal life on the islands in 1872–74, was in 1890 sent to renew his investigations, in pursuance of a special Act of Congress. The Report made by him on his return was not published by the United States; but in portions of this Report published by himself, and in other published accounts of his inquiries, he strongly condemns the management of the islands, laying stress on the insufficient number of virile male seals there.

Captain Bryant, Government Agent on the Pribyloff Islands from 1869 to 1877, in Reports published in 1875, 1876, and 1880, specially adverts to the decrease of males and the undue increase of females, and states that the killing of 100,000 young males is too great.

The statements of several other Agents of the United States Government upon the Pribyloff Islands, referring to 1881, 1882, and 1886, bear out the observations of Captain Bryant; and Mr. W. Palmer and Dr. W. H. Dall, both officials in the service of the United States, speak of a similar lack of male seals in 1890 and 1891. The British Commissioners likewise comment on the excessive number of females, as compared with males, upon the breeding rookeries in 1891.

Evidence confirming the scarcity of virile males is further afforded by the large proportion of barren or unimpregnated females found among seals killed at sea. This is attested by many witnesses, and it is further shown that this symptom of decrease of virile males has been increasing in late years.

The facts adduced are such as to prove that the contention now held in the Case of the United States as to the relative scarcity of females is unfounded.

CONTENTIONS HELD IN THE UNITED STATES' CASE AND ON THE PART OF GREAT BRITAIN.

In the Case of the United States, it is thus maintained that the manner of taking seals upon the Pribyloff Islands cannot be improved upon, and that— United States Case, p. 155.

> the killing of a portion of the surplus male life is undoubtedly a benefit to the herd, as it is with other domestic [*sic*] and polygamous animals. Ibid., p. 154.

It is further argued, at considerable length, that there has at no time been an insufficiency of males to serve the females on the breeding islands, and therefore that a paucity of virile males cannot be accepted as a cause of decrease in the whole number of seals. Ibid., p. 172 *et seq.*

On the part of Great Britain, and as the result of the investigations of the British Commissioners and other evidence, it is contended, not that a paucity of males or any other single circumstance is accountable for the whole reduction in number of the seals, but that the dearth of males has constituted one of the principal causes of such decrease; and that, in conjunction with other matters connected with the management of the islands, it is accountable in large part for that decrease.

The evidence already referred to shows how early
239 in the history of the control of the islands, and how repeatedly in subsequent years the scarcity of males was noted; and further, that it was so noted and observed, not only in respect to the so called "killable" males, but also in respect to the full-grown adult males or "bulls" on the actual breeding rookeries. It may further be added that, throughout the official Reports on the islands, no reference has been found to a disproportionately small number of females in any year.

STATEMENT IN UNITED STATES CASE THAT SCARCITY ON ISLANDS HAS BEEN IN FEMALES IS WHOLLY NOVEL.

In the Case now presented by the United States, entirely new ground is taken, and a novel contention affirming a scarcity of females is endeavoured to be supported on the United States Case, pp. 172 *et seq.*

strength of certain affidavits very recently obtained, while the published records dealing with the islands are entirely ignored.

LITTLE EVIDENCE IS CITED IN SUPPORT OF THE STATEMENT, AND IS IN MOST CASES DISPROVED BY PREVIOUS STATEMENTS OF WITNESSES.

The evidence actually quoted in the United States Case in support of this new position is exceedingly slight. It consists, in fact, of certain statements made by Colonel J. Murray, Major Williams, Mr. J. C. Redpath, and Mr. J. Stanley Brown, with that of two natives. But the two natives alone directly affirm any scarcity of females, the other witnesses confining themselves to remarks as to the abundance of males.

An examination of the contemporaneous Reports made by some of the deponents themselves afford the answer to their present retrospective statements.

Mr. J. C. Redpath, an agent of the present lessees of the islands, is in this part of the United States Case first cited, to the following effect:

United States Case, p. 172.

> A dearth of bulls on the breeding rookeries was a pet theory of one or two transient visitors, but it only needed a thorough investigation of the rookeries to convince the most sceptical that there were plenty of bulls and to spare, and that hardly a cow could be found on the rookeries without a pup at her side.

COLONEL MURRAY IN 1892.

No comparative statement of an earlier date by the same gentleman is in this case known; but it is submitted that extracts to the contrary effect given below cannot be described as those of "transient visitors."

Colonel J. Murray, Assistant Government Agent on the islands in 1890 and 1891, is quoted in the United States Case as saying:

Ibid., p. 173.

> I saw nearly every cow with a pup by her side and hundreds of vigorous bulls without any cows.

240 COLONEL MURRAY IN 1890.

In his official Report for 1890, however, the same gentleman wrote:

NATIVES IN 1890.

British Case, Appendix, vol. iii, "United States No. 2 (1891)," p. 19. United States Senate, 51st Cong., 2nd Ses., Ex. Doc. 49, p. 8.

> The meeting [of natives of St. George Island] was adjourned from time to time until they had thoroughly discussed the most important questions raised, and at the last meeting, held on the 23rd May, they unanimously declared that it was their firm belief and honest opinion that the seals had diminished and would diminish from year to year, because all the male seals had been slaughtered without allowing any to grow to maturity for use on the breeding-ground. I made a note of the suggestion in the journal that day, and I am now fully convinced by personal observation that it is only too true, and that the natives were correct in every particular. In 1889 the full quota of 15,000 skins was obtained here, but I know now (what I did not understand then) that in order to fill the quota they lowered the standard towards the close of the season and killed hundreds of yearling seals, and took a greater number of small skins than ever before.

NATIVES IN 1892.

The above may be referred to also in reply to the two statements of natives quoted in the United States Case. United States Case, pp. 172, 173.

MR. GOFF IN 1892.

Mr. C. J. Goff, Government Agent on the Pribyloff Islands, and to whom Mr. Murray's Report last cited is addressed, is quoted as testifying—

that, although the lessees had much difficulty in procuring their quota in 1889, a sufficient number of males were reserved for breeding purposes. Ibid., p. 173.

In the affidavit upon which this statement is based, the following passage is, however, found:

I have no doubt, that I reported, that the taking of 100,000 skins in 1889 affected the male life on the islands, and cut into the reserve of male seals necessary to preserve annually for breeding purposes in the future, but this fact did not become evident until it was too late to repair the fault that year. United States Case, Appendix, vol. ii, p. 112.

MR. GOFF IN 1889.

Mr. Goff's Report of 1889, to which he here refers, though not published by the United States Government, has been produced in reply to a Notice given in conformity with the Treaty of Arbitration. In this Report he writes:

The prosperity of these world-renowned rookeries is fast fading away *under the present annual catch allowed by law*, and this indiscreet slaughter now being waged in these waters will only hasten the end of the fur-seals of the Pribyloff Islands. Ibid., Appendix, vol. i, p. 85.

MR. GOFF IN 1890.

His Report of 1890 was protested against by the North American Commercial Company, and he was removed from office, as he believed, in consequence of this protest. In his Report for 1890, he concurs generally in Mr. Elliott's views (quoted below), and writes as follows: 241 See his letter, "New York Herald," May 2, 1891.

It is evident that the many preying evils upon seal life—the killing of the seals in the Pacific Ocean along the Aleutian Islands, and as they come through the passes to the Behring Sea, by the pirates [*sic*] in these waters, *and the indiscriminate slaughter upon the islands, regardless of the future life of the breeding rookeries*, have at last with their combined destructive power reduced these rookeries to their present impoverished condition, and to such an unequal distribution of ages and sexes that it is but a question of a few years, unless immediately attended to, before the seal family of the Pribylov group of islands will be a thing of the past. Notwithstanding the fact that the seals were looked upon as inexhaustible, and were officially reported to be increasing as late as 1888, the time has suddenly come when experiment and imagination must cease, and the truth be told. British Case, Appendix, vol. iii, "United States No. 2 (1891)," pp. 16, 17. United States Senate, 51st Cong., 2nd Sess., Ex. Doc. 49, p. 5.

Major W. H. Williams, Government Agent on the islands in 1891, is the only other witness specially cited by the United States in support of the existence of a sufficient number of males. He had not previously visited the islands, and his Report for the year in question has not been published. United States Case, p. 173.

United States Case, pp. 352-355.

Ingenious and elaborate diagrams accompanying the Report of the United States Commissioners, are intended to demonstrate in what way a large proportion of young male seals may be annually killed without detriment to the general reproductive powers of the fur-seals collectively. These diagrams may be accepted as an elaboration and explanation of the theory in accordance with which the killing of seals upon the Pribyloff Islands has heretofore progressed, but are very far from proving the expediency of such killing. They are based entirely on assumed data, for it is not possible, as in the case of domestic animals, to obtain any facts respecting many of even the more important points connected with the history of the fur-seal. Not only are the data respecting the life history of the fur-seal thus assumed, but the prepotent effects of natural causes, climatic and other, are necessarily omitted from consideration in the calculations presented.

The fundamental assumption of the intricate com-
242 putations upon which these diagrams are based is found to be that, in consequence of the polygamous habit of the fur-seal, a large proportion of males may be killed each year without detriment, if only the females be spared. The fallacy of this proposition as applied to wild animals, in respect to which the selection of breeding males by man is not possible, has already been pointed out. If, in effect, any selection is practised in killing upon the islands, it is the finest males which are chosen for killing, thus broadly reversing the operations of nature.

United States Case, p. 163.

But this is only the first of numerous succeeding assumptions upon which the whole calculation is built up, errors in any one of which must materially alter the results arrived at; and, in consequence of the uncertainty attaching to all of them, the diagrams presented cannot be considered as possessing any practical value.

It is stated that—

Ibid., p. 352.

> unfortunately, we have no "Tables of Mortality" for seals; we know only approximately their maximum age, and have little knowledge as to the distribution of their death-rate.

This, however, does not deter the computer from assuming the normal life at twenty years, from assuming that one-half the young born, die within the first year after birth, or from assuming an "approximate" death rate for the already assumed further years of normal life of the seal. It is then still further assumed that the number of males and females born is equal; and though this particular assumption appears to be a probable one from analogy with other animals, no satisfactory evidence is forthcoming in the case in question.

The number of years during which the female may remain fertile, or the male may retain his virility, are likewise quite unknown. Experience gained in the case of sheep, and that also resulting from the keeping of deer in parks and under observation, shows that, though polygamous, the males of these animals are unable to maintain their virility unimpaired (in consequence of the demands

made upon it) for more than a few seasons, after which their propagating power falls off very rapidly. If, therefore, the same rule holds in the case of the fur-seal (and the analogy is very close, particularly in respect to the deer), the number of males actually required would
243 be very materially increased. The time of fertility of the male, in such cases, is, in other words, much shorter than that of the female.

It must not be omitted to note, in the case of the fur-seal, that the age of puberty of the female is attained at least three years before that of effective service by the male, thus rendering the risk of previous death much greater in males than in females. As the death-rate from such causes is admittedly unknown, the results in regard to the number of males reaching a virile age in proportion to births must likewise be wholly uncertain.

Whether the age of effective service by the males has in nature become gradually increased in consequence of the polygamous habits of seals upon the rookeries, and the impossibility of any but the larger and older males holding places on the rookeries, or whether the later date of fertility in the case of the male, resulting in greater losses of males, and acting on an equal birth-rate in respect to sexes,—has led to such polygamous habits, it is impossible to determine.

In any case, tables or diagrams founded on such a train of assumptions as those above noted cannot be accepted as proving anything to the point in connection with seal life, though they serve, as above stated, to show in what manner the methods practised in the breeding-islands have been justified.

Veniaminov, during the Russian control of the islands, spent much ingenuity and doubtless much time in elaborating very similar tables, but no reference appears to have been made to these when it was decided to fix the number of seals for killing at 100,000 annually under the control of the United States.

The available data are too uncertain for any theoretical discussion such as that attempted by the United States Commissioners. An appeal must be made rather to facts and results, and these, it is maintained, show in the clearest possible manner that the reduction in number of seals met with on the Pribyloff Islands is chiefly due to the number of seals killed upon these islands, and to the manner of killing there practised.

FURTHER EVIDENCE OF DECREASE OF MALE SEALS.

In order to show still more clearly, however, the untenable character of the claim which is now made in the United States Case, to the effect that the observed decrease on the islands has been primarily in females, the following
244 additional extracts from Reports of Government officers upon the islands may be referred to.

MR. A. W. LAVENDER.

In 1890, Assistant Agent A. W. Lavender writes:

British Case, Appendix, vol. iii, "United States No. 2 (1891)," p. 21. United States Senate, 51st Cong., 2nd Sess., Ex. Doc. 49, p. 9.

The writer was surprised when he first visited the rookeries to find *no young bull seals upon* them; this looked strange to him, and he began to look up the cause, and it occurred to him that the constant driving of young male seals and the killing of all the 2-, 3-, 4-, and 5-year-olds, *there were no young bulls left to go on the rookeries*, and without young blood the fur-seal industry will be something of the past in a very few years.

MR. H. W. ELLIOTT'S UNPUBLISHED REPORT.

It has already been noted that Mr. H. W. Elliott, whose investigations and writings on the fur-seal of the North Pacific are so well known, was sent to the Pribyloff Islands in 1890 for the special purpose of again inquiring into the conditions of the seal interests there. This was done in pursuance of a special Act of Congress approved the 5th April, 1890. Though the United States Government have, unfortunately, not made public the Report of these investigations, some portion of Mr. Elliott's Report, which has been communicated by the author to the press, is available. In the part of his Report so published, Mr. Elliott writes as follows, after pointing out the meaning of the extension of "driving" to the more distant rookeries in 1879:

British Case, Appendix, vol. iii "United States No. 2 (1891)," pp. 56-61.

But when in 1882 it became absolutely necessary to draw from that time on until the end of the present season, heavily and repeatedly, upon the hitherto untouched sources of supply for the rookeries, in order to get the customary annual quota—at that time that fact, that glaring change from the prosperous and healthy precedent and record of 1870-81, should have been—it was ample warning of danger ahead; it seems, however, to have been entirely ignored—to have fallen upon inattentive or incapable minds; for not until the Report for 1889 from the Agent of the Government in charge, who went up in the spring of that year for his first season of service and experience—not until his Report came down to the Treasury Department has there been the slightest intimation in the annual declarations of the officers of the Government of the least diminution or decrease of seal life on these islands since my work of 1874 was finished and given to the world.

He then proceeds to specify the nature and causes of the decrease, and writes:

Had, however, a check been as slowly and steadily applied to that "driving" as it progressed in 1879-82 upon those great reserves
245 of Zapadnie, South-west Point, and Polovina, than *the present condition of exhaustion, complete exhaustion of the surplus supply of young male seals,* would not be observed—it would not have happened. But, however, no attention whatever was given to the fact that in 1882 the reserves were suddenly, very suddenly, drawn upon, steadily and heavily for the first time, in order that a prompt filling of the usual annual quota should be made before or by the usual time of closing the sealing season for the year, viz., 20th July.

MR. GOFF.

Referring again to Goff's Report of 1889, and to the effect therein attributed to pelagic sealing, he continues:

I was prepared to find by these figures that the breeding-grounds had lost heavily, but that did not even then satisfy me as to his statement, which came so suddenly in 1889, that little more than half the established annual quota of 100,000 holluschickie [bachelor seals] suitable for killing could or would be secured here in 1890; for, great as

my estimated shrinkage on the breeding-grounds was, due to the work of poachers, yet that would not, could not, explain to my mind the nine-fold greater shrinkage of that supply from the hauling-grounds which must exist, or else 60,000 young males might be easily taken, judging from my notes of such work in 1872.

Again, he writes:

As matters stand to-day upon the Seal Islands the situation is very much the same as it was in 1834. Then it was expected that 20,000 seals would be taken, but only 12,000 were secured "with all possible exertion." This year it was expected that 60,000 fine skins would be taken, but only 21,000 have been secured with all possible exertion, nearly half of this catch being small, or 5½ lb. to 6½ lb. skins, raking and scraping the rookery margins without a day's intermission from the opening to the closing of the season; of this work in 1890 I give you in this Report the fullest detail of its progression, day to day, the merciful ending of it, ordered so happily by you.

ESTIMATE IN REDUCTION IN NUMBER OF MALES.

In conclusion, Mr. Elliott's estimates of numbers are quoted, showing in 1872–74 some 145,000 to 160,000 able-bodied virile males or "bulls" over six years of age, with a proportion of barren or farrow cows too small to mention; in 1890, 8,000 or 9,000 old males only—

many of them absolutely impotent at the beginning of the season of 1890, most of them becoming wholly so as the season advanced;

with about 250,000 females seals "not bearing or *not served* last year and this."

FURTHER STATEMENT BY MR. ELLIOTT.

Mr. Elliott is, however, even more precise and definite on the subject here in question in a communication to "Forest and Stream." He writes:

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At the close of the breeding season of 1890 on the Pribyloff Islands, after the most careful and extended search, surveying every superficial foot of each one of the fifteen different rookeries with cross bearings from a great number of measured base lines, and giving close attention to the relative number of "bulls" and "cows," *I found on these islands only about 8,700 old bulls, many of them aged, infirm, and actually impotent;* 640,000 females (nubiles, primipares, multipares, and barren), and *no young bulls around or near the breeding-grounds.*

New York, May 7, 1891.

In short, since 1885, no young bull seal has been allowed to live and grow after it reached the age of 4 years, if it were possible to secure it; they have all been regularly killed as they grew up, and their skins sent to London. Therefore these breeding rookeries, during the last six years, have not been permitted to receive the annual supply of fresh male life, which was then, as it is now, absolutely necessary for their perpetuation and support in good form and number. . . . . If, however, these young male seals that live to return next summer are not driven—are not disturbed by drivers on the islands—in four years' time from date, quite a large number of them will have matured so as to be able to take up stations on the rookery-grounds that are to-day vacant, and in the charge of aged and impotent bulls, which state of affairs, bad as it is, must get worse and worse, until these young sires arrive on the field. . . . . *The normal ratio of males to females on the breeding-grounds of the Pribyloff Islands in 1872–74 was an average of 1 male to 15 or 20 females.* In 1890 this ratio (despite the deadly work of the open water sealers among the females) *was an average of 1 old male to every 60 or 80 females.* (I saw many single harems in which I counted over 100 cows.) . . . . In 1894 the first relief that can possibly come to them will come, provided that handful of young 2-year-old males left alive on the islands last summer is undisturbed by man there next summer and thereafter, and in 1895 the

yearlings that were spared last summer, such of them as shall return, will have then matured and take their places on the breeding grounds. . . . . But one very important fact should be kept in mind; that fact is, that when killing up there is again renewed for tax and shipment, no culling of the driven herds must be allowed; all the seals driven must be taken; for unless this is done, then history will repeat itself—every 3- and 4-year-old male will be killed as it grows up, and the rookeries soon be again deprived of that regular supply of fresh male blood, which is absolutely necessary for their maintenance in their full form and number.

CAPTAIN BRYANT'S EVIDENCE QUOTED IN UNITED STATES CASE.

The evidence given on this subject by Captain Charles Bryant, is not here specially referred to in the United States Case, but appears in the Appendix to that
247 Case. In his affidavit of April 1892, after stating his experience on the Pribyloff Islands, which extended from 1869 to 1877, he says:

United States Case, Appendix, vol. ii, p. 7.

The whole time I was there there was an ample supply of full-grown vigorous males sufficient for serving all the females on the islands, and every year a surplus of vigorous bulls could always be found upon the rookeries awaiting an opportunity to usurp the place of some old or wounded bull, unable longer to maintain his place upon the breeding-grounds. I should except from this general statement the seasons of 1873 and to 1875, when the destruction of young males in 1868, and the error made by the Company under their misapprehension as to the character of the skins to be taken for market, perceptibly affected the males on the breeding-grounds. It is not certain that the fertilizing of the females was thereby affected, and this gap was filled up, and from this time on there was at all times not only a sufficiency but a surplus of male life for breeding purposes.

PREVIOUS OFFICIAL REPORTS BY THE SAME OFFICER IN 1875.

As Captain Bryant's notes on the condition of the breeding-islands contained in his Reports, furnished to Professor Allen and published in that writer's monograph, afford some of the most trustworthy information respecting the earlier period of the United States management, it is necessary to point out that Captain Bryant's recollection of these events, as embodied in the above-mentioned affidavit, is not entirely accurate.

In his official Report for 1875, addressed to the Secretary of the Treasury, Captain Bryant writes as follows:

H. R., Ex. Doc. No. 83, 44th Cong., 1st Sess., pp. 175–178.

At time of writing my detailed Report on the habits of these animals, dated the 30th November, 1869, it was stated to be 100,000. This number was based on the best information obtainable at that time from the natives of the island and the few employés of the former Russian Fur Company remaining in the territory. Since then a residence of seven successive seasons on the island, in charge of these animals, has furnished me with the desired opportunity for determining this surplus product by actual study of their habits and requirements, and the result is, *the killing of 100,000 per annum does not leave a sufficient number of males to mature for the wants of the increase in the number of females.* And, as it is desirable to state some of the methods by which these conclusions have been reached by me, a brief statement of the habits of these animals and the effect of the killing of 100,000 per year for the past five years seems necessary.

* * * * *

These hauling-grounds are swept and driven two or three times a week during the months of June and July, and the prime seals culled

out for killing, and every seal growing up has to run this gauntlet for his life his second, third, and fourth year before he escapes to
248 grow up as a breeding bull. Thus it will be seen the method of killing does not admit of the setting apart of a special number and taking the remainder for the quota for market, and the only possible way to preserve the requisite number for breeding purposes is to restrict the number to be killed so far within the product as to insure enough escaping for this object.

When the lease was put into practical operation in 1871, there was a very large excess of breeding males on hand; since then this surplus has been diminished by the dying out of the old seals faster than there has been younger seals allowed to escape and grow up to fill their places, until *the present stock is insufficient to meet the necessities of the increasing number of breeding females.*

* * * * *

One other cause should be stated that has directly contributed to diminishing the present stock of breeding males. During the season of 1868, before the enactment of the prohibitory law, the several parties sealing there took 240,000 seals monthly [*sic* mostly?] of the products of the years 1866 and 1867. These would have matured and been added to the present stock of breeding males in the years 1872 and 1873, and to this a part of the prospective deficiency is to be attributed.

* * * * *

Constant and careful attention has been given to the condition and changes in the different classes of seals, and the data kept for comparison from year to year, and the result, as summed up the present year in comparison with 1870, shows the present stock of breeding females has steadily increased in a ratio of 5 or 6 per cent. per annum added to the original stock, *while the stock of breeding bulls has decreased,* by loss from age and other causes, *so much faster than there has been young seals grown up to replace them, that its present condition is only equal to the present demand, and the stock of half-bulls, or those to mature in the nert two years, is not sufficient to meet the wants of the increase in the females.* Under these circumstances, I feel it my duty to recommend that for the next two years the number of seals to be taken for their skins be limited to 85,000 per annum, to be apportioned between the two islands as follows: for St. Paul's Island 70,000, and for St. George Island 15,000.

It will be observed from the above that, in his contemporaneous Report, Captain Bryant attributes the deficiency of males *primarily* to the high rate of killing, though he also mentions the excessive slaughter of 1868, as a secondary cause.

IN 1876.

In his evidence given before a Committee of Congress in the following year (1876), Captain Bryant testifies to substantially the same effect:

Q. Your opinion, then, is that the number of 100,000 on the
249 two islands, authorized by law, can be regularly taken without diminishing the crop or number of seals coming to the island?— A. I don't feel quite sure of that, as will be seen in my detailed Report to the Secretary of the Treasury, included in the evidence which has been laid before the Committee. There were indications of diminution in the number of male seals.

H. R., 44th Cong., 1st Sess., Report No. 623, p. 99.

I gave that and another reason, which I explained at large in that Report. In the season of 1868, before the prohibitory law was passed or enforced, numerous parties sealed on the islands at will, and took about 240,000 or 250,000 seals. They killed mostly all the product of 1866-67.

IN 1880.

In his statement drawn up for Professor Allen, again, Captain Bryant writes:

The decrease in the number of breeding males may be considered as having reached its minimum [*sic*] in 1876. In 1877, the last season I spent at the islands, there was an evident increase in the number of this class.

"Monograph of North American Pinnipeds," p. 399.

MR. W. B. TAYLOR, 1881.

Mr. W. B. Taylor was Assistant Treasury Agent on the Pribyloff Islands in 1881. Before the Congressional Committee in 1889, from his experience gained during that time, he testified as follows:

H. R., 50th Cong., 2nd Sess., Report 3883, p. 59.

I believe that the capacity of the bull seal is limited, the same as any other animal, and I have very frequently counted from thirty to thirty-five, and even, at one time, forty-two cows to one bull. *I think if there were more bulls there would be less cows to one bull, and in that way the increase would be greater than now.*

DR. H. H. M'INTYRE, 1882.

Dr. H. H. McIntyre also writes:

United States Case, Appendix, vol. ii, p. 52.

I was, therefore, always alert to see that the due proportion of breeding males of serviceable age was allowed to return to the rookeries. This was a comparatively easy task prior to 1882, *but became from year to year more difficult as the seals decreased.*

MR. T. J. RYAN, 1886.

Mr. T. J. Ryan, Assistant Treasury Agent in the islands in 1885 and 1886, includes the following remarks in his Report for 1886:

H. R., 50th Cong., 2nd Sess., Report 3883, p. 217.

As the Report will show, we killed but few bulls, though the Company was authorized to knock down all old troublesome fellows coming in their way to the number of thirty, the skins of which were wanted by the natives for door mats. *The surplus of old bulls expected to be found did not make their appearance* in the drives or on the rookeries this season; and, I think now, nor last season either.

MR. W. PALMER, 1890.

On this subject Mr. W. Palmer, of the United
250 States National Museum, may also be quoted. As the result of his observations in 1890, he writes:

British Commissioners' Report, p. 188. "Forest and Stream," October 29, 1891.

It will be seen also that by this driving process the 2- or 3-year-olds, which are the only ones killed for their skins, are culled out almost completely from the seals which visit these islands, and therefore that very few male seals ever reach a greater age; consequently, *there are not enough young bulls growing up to supply even the yearly loss on the rookeries, much less to provide for any increase.*

DR. W. H. DALL, 1891.

In an editorial article published in the same number of "Forest and Stream" as that in which Mr. W. Palmer's paper on the "Fate of the Fur-seal" is reported, it is stated that such well-known naturalists as Drs. Dall, Gill, and Bean participated in the discussion of the paper before the Biological Society at Washington. In this article Dr. Dall is cited as follows:

Dr. Dall attributes the present decline of the fur-seals chiefly to the excessive killing of young males; there is not now a sufficient number of males in the breeding grounds to maintain the species. He admits that the method of driving referred to by Mr. Palmer is also very destructive. The excessive destruction of males began in 1872, and has continued to the present time.

In a letter written by Dr. Dall and published in a succeeding number of the same journal, he states that his remarks on Mr. Palmer's paper were not correctly reported. He writes: Ibid., November 5, 1891.

> What I did say was to intimate that after the killing in the open sea (the most important factor in the diminution), the second factor was the *killing of too many young males* rather than the injuries caused by driving; the latter being a view much insisted on by Mr. Palmer.

Accepting Dr. Dall's correction, it is to be remarked at least that he recognizes three factors tending to diminution of the species, of which two are connected with the practices on the Pribyloff Islands.

LUTKÉ, 1827.

Even so long ago as 1827, Lutké, who visited the Pribyloff Islands in that year, clearly pointed out the inherent danger to the continued supply of virile male seals which must result from the methods followed. He writes:

> La précaution de séparer les gros mâles d'avec ceux qui doivent être tués, est nécessaire pour entretenir la multiplication; mais
> 251 cette précaution est-elle suffisante pour cela? Si tous les jeunes sont exterminés, d'où sortiront à la fin les gros mâles? Les chasseurs expérimentés ont observé que les ours marins vivent de quinze à vingt ans; il en résulte qu'avec cette méthode dans vingt ans il ne doit plus en rester un seul.

"Voyage Autour du Monde," tome i, p. 161.

REQUISITE PROPORTION OF MALES TO FEMALES, AND INCREASED SIZE OF "HAREMS."

The requisite proportion of males to females (requisite for the mere purposes of proper service and without reference to the wider questions depending on the natural excess of males about the breeding islands) has been carefully investigated by the British Commissioners, who conclude that at least one virile male is required for every twenty females. They write:

> When, therefore, we find the harems in the Pribyloff Islands growing yearly larger, till at the present time they surpass the proportions above mentioned from four to eight times, it is reasonable to conclude that in this change the effect of an excessive slaughter of young males is rendered apparent. Our own and all other local observations on the rookeries during the last few years prove it is no uncommon event to find a single male seal with a harem numbering from forty to fifty, and even as many as sixty to eighty females.

British Commissioners' Report, paras. 54-56, 292, 294, 436.

The excessive number of females in proportion to males is also remarked by Mr. Macoun, in his Report for 1892. He also shows that the few unattached old bulls found about the rookeries are not all virile. Appendix, vol. i, p. 140.

Other changes resulting from the same cause and affecting the habits and mode of life of the seals, evidenced in irregularity and overlapping of dates of landing, birth, &c., have also been observed, and it is obvious that under the circumstances the breeding-islands tend to become less attractive to the females, which consequently resort less punctually and for shorter times to them. British Commissioners' Report, paras. 434-436.

MR. H. W. ELLIOTT ON BARREN FEMALES.

Further evidence of the paucity of males can be found in the increased number of barren females. Mr. Elliott has already been quoted on this subject. The same fact is referred to by the British Commissioners, and is stated to have been particularly noticed by pelagic sealers.

Ibid., paras. 431–433.

EVIDENCE OF PELAGIC SEALERS AS TO BARREN FEMALES.

Many of the sealers whose evidence has been obtained in 1892 refer directly to the taking of large numbers of barren females. The following notes on this subject are based upon the statements of sealers contained in the Appendix:

British Commissioners' Report, paras, 644–646.

252 *Captain J. D. Warren.*—Not half the females taken on the coast are with young.

Captain W. O'Leary.—Perhaps two-thirds the cows are with young.

Captain W. Petit.—More barren cows are killed than those bearing young.

Captain W. E. Baker.—The percentage of barren females considerable.

Captain C. N. Cox.—10 per cent. barren females.

Captain T. M. Magnesen.—12 to 14 per cent. of females bearing; others barren.

Captain W. Cox.—15 per cent. of catch barren females.

Captain Charles Hackett.—Quite a number of barren cows.

Captain C. McDougall.—One barren cow to ten bearing.

Captain S. S. McLean.—About 5 per cent. of females are barren.

Captain C. J. Harris, master of the "Mary Taylor" in 1892, says: "We secured quite a number of barren cows this year."

Appendix, vol. ii, pp. 43–149.

Charles Le Blanc, hunter.—In 1892 got "a good many barren cows both on the coast and on the Asiatic side."

Captain A. Douglas, eight years in the sealing business, says: "I have seen a great many barren females."

G. Roberts.—Found about one-half of his catch of female seals in 1892 to be barren cows and young females.

Captain R. O. Larender.—Five years' experience; finds that on the coast he gets over one-third his catch in females, of which less than one-half are barren cows.

F. Campbell.—In 1892 took 65 seals, of which 20 or 25 were barren females.

W. G. Gondie.—Says that about half the females he took on the coast were with pup; the other half barren cows and young females.

J. N. Haake.—States that during the season of 1892 he secured quite a number of barren female seals.

J. Shields (who has hunted seals in Behring Sea for four years) says: "Every year that we went into Behring Sea we got barren cows."

G. F. French.—States that of the females he got on the coast 25 per cent. would be with young; the remainder barren cows and young females.

O. Scarf.—Six years a hunter; five years in Behring Sea. Got barren cows every year.

253 *A. Mathison.*—Seven years' experience, says: "More than half the seals I got on the coast in each year were females. Most of these were young females and barren cows."

E. Ramlose.—Has, both along the coast and in Behring Sea, seen barren cows—good full-grown cows.

I. O'Quinn.—Two years' experience as a hunter, says: "In both years I have been sealing I have got a good many barren females, principally on the coast. At least one-quarter of all the females I got were barren."

D. Laing.—Says that he has killed barren cows, and that they were principally old seals.

Captain A. Reppen.—Nine years' experience, states that quite a number of barren females are killed on the coast.

W. Heay.—Five years' experience as boat-steerer and one as hunter. Took, in 1892, 168 seals, of which 25 or 30 were barren cows, and says: "The hunters I was with in former years got about that number of barren cows. They generally travel with young bulls."

Captain H. B. Jones.—Five years' experience—three as master—says: "This year I noticed a good many barren females. My hunters often called my attention to this this year, and we would examine the seal and find that it was a cow, but that there was no young one in her. I never noticed this before to such an extent as this year."

Captain E. Cantillian.—Four years' experience. Has found a good many barren cows among the seals he has taken.

H. R. Smith, twelve years' experience in North Pacific, says that early in the season about half the seals taken on the Vancouver coast are females, and of these only about half are in pup.

A. Billard says about one-half of coast catch are females and of these about one-fourth are in pup.

Captain A. R. Bissett states that of 568 seals taken on the coast in 1892 about half were females, but not more than 70 or 80 were in pup.

W. de Witt.—About half the females taken are in pup.

F. W. Strong thinks about half the females taken on the coast are in pup.

N. Morrison took, in 1891, 119, of which about half were females; not over 30 of these were in pup. In 1892, of 202 seals taken, about 65 were females, about half in pup, and half barren and young females.

J. D. Warren says that about half the females taken on the coast were young seals and barren cows.

254 *C. O. Burns* says there was a number of barren cows in the boat he was in in 1891, and that in 1892 a good many barren cows were got.

W. O. Hughes states that about half the females taken by him in 1891 and 1892 were in pup, and that but one-third of those taken by him in Behring Sea in 1891 showed signs of milk.

J. Brown, six years' experience, got barren cows on the coast every year, but says that in Behring Sea he could not tell whether the cows were barren or not; very few were got with milk in their breasts.

J. Siteman says that in 1890 most of the females taken by the vessel he was in were young females and barren cows; in 1891, about half the females taken were barren cows or young females; in 1892, about three-fifths of the catch were males; "nearly all of the rest were barren cows. Only a few cows with pup were got. . . . . The 'Geneva' was four or five days about 80 miles off shore from Mount St. Elias in June. The hunters got about 200 seals there, and most of them were barren cows. This fact was particularly noticed when the seals were brought on board and skinned. Neither myself nor any person on the 'Geneva' had ever seen so many barren cows before."

W. Hermann states that he frequently takes cows without pups or milk.

G. Scott each year takes "quite a number of barren cows."

G. Wester estimates the number of barren cows taken by him at from 20 to 25 per cent of the number of females.

Captain C. Lutjens says: "About one-fifth of the cows taken are barren."

C. Hartiwen says that he has killed "a great many large cows that had no milk, and are not carrying pup."

M. Scott says: "On the coast this year [1892] we got very few cows carrying pup. I know this, because we were trying to get a number of unborn pups, and found it difficult to get what we wanted. Of the total take of cows along the coast—about 300—not more than 100 were pregnant, the others being too young to breed or barren cows." He has also taken barren cows in Behring Sea.

Captain J. S. Worth has "taken some barren cows that had neither pup nor milk."

M. Keefe states that his vessel took, in 1892, 180 seals on the coast, of which very few were cows, and none in pup. This was remarked at the time by the hunters and crew as something unusual. His experience has been that not more than 20 females in 100 taken are in pup.

J. Coburn says that none of the females he got on the coast in 1892 were females in pup; "they were either young cows or barren cows." In previous years about one-half were young and barren cows.

255 *J. Figuera* states that he has had a good many barren cows amongst those he has shot.

Captain C. E. Mockler states that about two-thirds of the females taken by him on the coast are pregnant.

Lee J. Thiers says: "I have frequently got a number of cows that have had neither pups nor milk, and get more of that kind on this coast than the Japan coast. There has been so much talk about seal life that I took particular notice of these facts last year."

G. Wells, in 1890, got a larger number of barren cows and young females than usual; about one-half the females taken by him on the coast were in pup, and this was the case in 1891 and 1892.

W. O. Shafter says that of forty females he took in Behring Sea about ten were in milk; the rest he "was unable to say whether they were barren or had lost their pups; certainly they were not carrying their young or in milk."

W. Conners says: "We meet with and get plenty of barren cows.

P. E. Peterson says: "I have killed lots of barren cows."

J. Ford states that fully half the cows he has taken on the coast were neither in pup nor had milk in them.

J. W. Crew says that he has got "a great many barren females."

A. W. Roland says that on the coast only about half the females taken by him were with pup.

J. Matthews says that half the seals taken by him on the coast were females, and that not one in five seals taken was a female carrying young.

A. McKiel states that but three-fifths of the females taken on the coast are with pup.

G. Heater states that about one-third his catch were females, of which some were barren.

G. C. Gerow, five years' experience, states: "In a good season's catch there would be about 100 to 150 barren females."

Captain S. W. Buckman says: "Barren females are often found."

Captain W. Petit, seven years' experience, says: "Among the females taken this year [1892] were a good many barren females. The last day's catch (deposition made 16th June) was four barren females and four males."

Captain C. F. Dillon says: "There were a good many barren females among the last seals I took this year."

A. Sinclair had taken eighty-six seals at time deposition was made, and states: "I noticed two barren females among those I got."

256 *W. Edwards*, who took 138 seals before the 17th June, 1892, says: "There were very few barren females among the seals I got."

G. F. French, three years' experience as hunter, says: "Out of the 143 seals taken by me this year between 30 and 40 were barren; not more than 60 of the seals taken by me were females; more than half were barren cows."

P. Jolibis states that in 1892 of thirty females a few were barren cows.

L. McGraw says: "Last year I noticed a good many barren cows among those taken, but not any this year."

Captain H. F. Sieward says: "I only noticed one or two barren females in my catch."

F. Moreau says: "We get plenty of barren cows."

P. Carlson found that a good many cows to the north of Sitka had neither pup nor milk in them.

D. A. Lewis says: "I have killed barren cows, but it is a matter I have not noticed very closely."

P. Hammel states: "I have killed plenty of barren cows."

J. Carthrat says: "Have had a good many barren cows."

Indian Evidence.

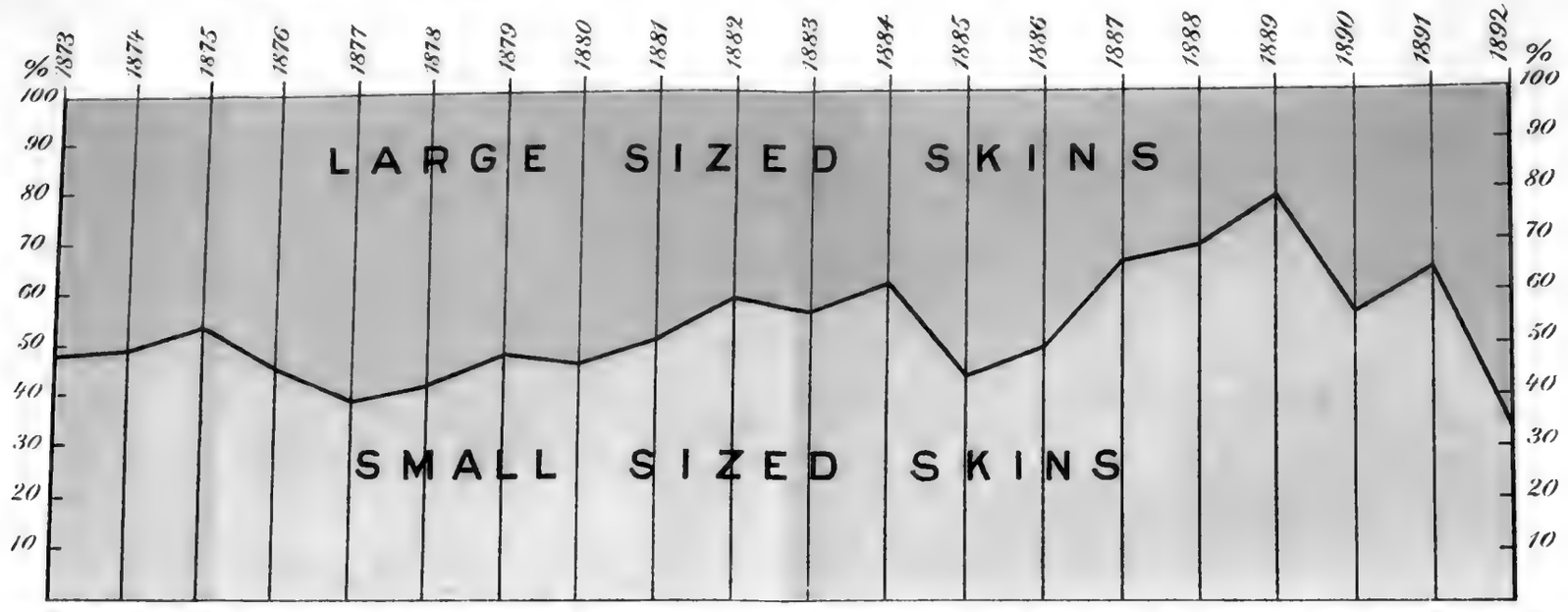
Appendix, vol. ii, pp. 140–166.

Kas-ado says that off the coast he sometimes gets cows not with pup. In Behring Sea there would be more males than females taken, and of the females half would be young females and cows without pups in them.

Schoultwick, and six Indians who were examined with him, say of the female seals taken near the village of Ohiat: "Lots of them are old ones without pups."

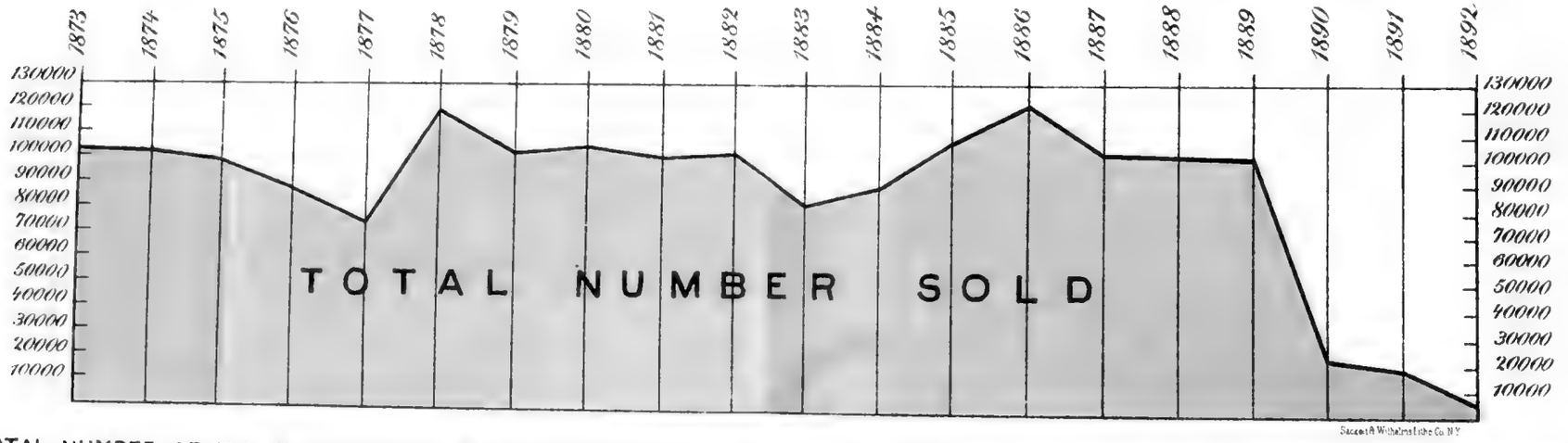
To face page 257.

DIAGRAM COMPILED FROM TABLE I. APPENDIX, VOL. II, PAGE 255.



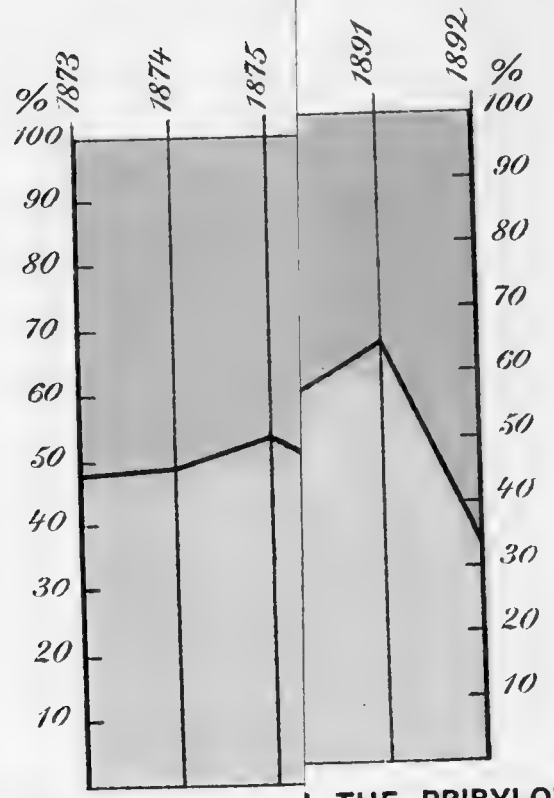
PERCENTAGE OF SMALL SIZED TO LARGE SIZED SKINS COMPRISED IN THE TOTAL SALES OF FUR SEAL-SKINS FROM THE PRIBYLOFF ISLANDS IN EACH YEAR, FROM 1873-1892, SHOWING THE INCREASED PROPORTION OF SMALL SIZES UP TO THE YEAR 1889.

LARGE SIZES SKINS in the above diagram comprise "Wigs," "Large Middlings," "Middlings," "Middlings and Smalls," "Smalls," and "Large Pups."
SMALL SIZES SKINS comprise "Middling Pups," "Small Pups," "Extra Small Pups," "Extra Extra Small Pups," "Grey Pups," and "Black Pups."



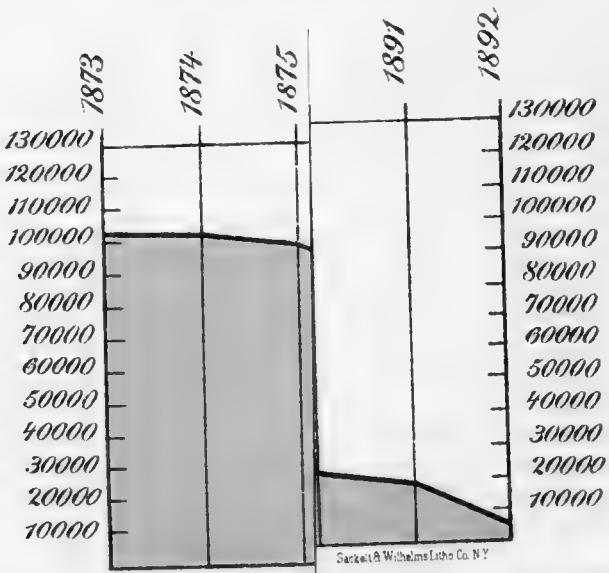
TOTAL NUMBER OF FUR SEAL-SKINS FROM THE PRIBYLOFF ISLANDS, ACTUALLY SOLD IN LONDON IN EACH YEAR FROM 1873-1892.

(2000.3/93. 1443) F.O. 249



PERCENTAGE OF SMALL SIZ THE PRIBYLOFF ISLANDS
IN EACH YEAR YEAR 1889.

LARGE SIZES Large Pups."
SMALL SIZE Black Pups."



TOTAL NUMBER OF F EAR FROM 1873-1892.

(2000.3/93.1443) F.O. 249

Clahapisum, Hanaisum, and *Clahouto* say that four out of six females taken by them would be carrying young.

Walter Watt: "Three out of six females taken along the coast are barren cows and pups. Get quite a few barren cows."

Chileta: Has taken "plenty of them" [old cows] "carrying no pup and having no milk."

Oquaghu: "Fully half the cows we get have pups in them; the rest are young females or cows without pups."

Click-la-houto: "Along the coast have sometimes got large cows not having pups and not in milk." Of Behring Sea he says: "Of the cows I killed many did not have milk, and were not in pup."

Keshuqua and *Clatcher,* who heard what Click-la-houto said, say that their experience has been the same as his.

257 *Clatmick* says: "I did not get any old cows this year that did not have pups in them, but have seen plenty."

Ehenehessut has taken a few old cows without pups in them.

Atelu and *Ah-nah-yook* have often killed old white-whiskered cows that have no pups in them.

Qui-an-ah says that he gets old cows not carrying pup.

Enocto gets "quite a few old cows not carrying pups, and not having milk." Eleven other Indians who were present when Enocto was examined testify to the truth of his statement.

High-eit-lick-sheel sometimes takes old cows that are not carrying pups and are not in milk.

Charlie Quisto says that some of the large cows have no pups in them.

See-ah-sum and *Wech-tin* corroborate what Quisto says.

Sante, Charlie, Gus, Douglas, Joe, Taylor, and *Tommie* all took barren females in 1892, but kept no count of their number.

SKINS OF FEMALES INCREASING IN PRIBYLOFF CATCH.

No less than eight of the London fur merchants, in statements made by them, explain that, while formerly the consignments from the Pribyloff Islands were exclusively composed of male skins, for the past six years a marked and increasing number of female skins has become noticeable, the presence of which they attribute to the fact that the lessees have been experiencing a difficulty in obtaining their quota of males, and have been compelled to resort to the female seals to make up their full number. Such skins were first noted by Mr. Rice as early as 1878, and in later years have continually increased.

Appendix, vol. ii, pp. 245–250.

Ibid., p. 246.

TABLE SHOWING SIZES OF WHOLE PRIBYLOFF CATCH FOR TWENTY YEARS.

In this connection, particular attention is drawn to the Analytical Table, prepared by Messrs. P. R. Poland and Son, of all catalogues relating to the sale of skins from the Pribyloff Islands from the year 1873 to 1892, from which it appears that, from 1877 to 1890, the proportion of small skins in each year's consignments had been rapidly increasing each year, the proportion in 1873 being 39.74, and in 1889 as much as 79.59, showing conclusively that the Company were compelled by the dearth of male killable seals to resort exclusively to younger and smaller seals not formerly regarded as killable. (See Diagram.)

Ibid., p. 255.

SHOWS NEARLY CONTINUOUS DIMINUTION IN SIZE OF SKINS TAKEN.

The facts disclosed by this Table and the diagram based thereon are of considerable importance, inasmuch as it affords a complete record of the nature of the killing in

258 progress on the Pribyloff Islands. The Table practically includes all the skins taken on the islands during the past twenty years, and each skin has been separately measured in order to be classified for the purpose of the trade sales. The Table shows an almost continuous decrease in the size of the skins taken since the year 1873. The temporary improvement in size noticed in 1876 and 1877 is evidently directly connected with the smaller number of skins taken in these two years, which enabled larger sizes on the average to be procured. The distinct evidence of recovery afforded by the increased average in size in 1885 remains unexplained, but it is important to note that it actually corresponds with the year in which it is now claimed in the Case of the United States, that the first marked decrease in seals occurred. The deterioration in size culminated in 1889. In 1890, when the Government Agent stopped further killing when only 20,995 skins had been secured, the average size again became larger. A slight relapse is shown in 1891, when 12,071 skins were taken, and a very decided improvement in 1892, when the killing was reduced to 7,500.

When examined in connection with the general statements respecting the condition of seal life on the islands elsewhere cited, and with the Table showing the number of seals killed annually there, the Table here given affords the most complete confirmation of the statements already based on these, and of the conclusion reached in this Chapter.

British Commissioners' Report, p. 132, and Diagram No. V.

EXCESSIVE KILLING OF MALES ON PRIBYLOFF ISLANDS RESULTS IN GREATER PROPORTION OF FEMALES IN PELAGIC CATCH.

From the outlines above given relating to the persistent killing of males upon the breeding islands, it is likewise easy to understand that the allegations respecting the large proportion of female seals included in late years in the pelagic catch may to some extent at least be founded on fact; the actual ratio thus brought about as between the sexes rendering it certain that in sea-sealing a much larger number of females than of males must be met with.

British Commissioners' Report, para. 700.

It is submitted that, in view of the foregoing facts, the new contention endeavoured to be upheld by the United States, to the effect that there has never been any scarcity of males upon the rookeries, which contention is obviously put forward in connection with the defence of the management of the Pribyloff Islands by the United States, is

259 clearly untenable. If the statements quoted above from official Reports are erroneous, it must follow that the officials in charge of the islands were untrustworthy or incompetent, and in either case subsequent and retrospective statements by the same men cannot be successfully appealed to in evidence.

CHAPTER XIV.

Management of the Pribyloff Islands by Russia and by the United States—(continued).

THE "DRIVING" OF SEALS AND ITS EFFECTS.

The United States Contentions.

(1.) United States Case, p. 147—
"A herd of seals is as capable of being driven, separated, and counted as a herd of cattle on the plains."
(2.) United States Case, p. 152—
"The most stringent rules have been and are enforced by the Government to prevent any disturbance of the breeding seals."
(3.) United States Case, p. 153—
"I do not see how it is possible to conduct the sealing process with greater care or judgment."
(4.) United States Case, p. 158—
"In fact it may be questioned whether any seals are ever killed on a drive, except now and then one by smothering."
(5.) United States Case, p. 158—
"The effects of over-driving and re-driving . . . . upon the seals which from age or condition are unfit for killing, is of little or no importance in relation to seal life on the islands. . . . . Certainly, no male seal thus driven was ever seriously injured or his virility affected by such re-driving."

Summary of British Reply.

The methods actually practised in taking seals upon the Pribyloff Islands are rightly included under the head of management, and of these one of the most injurious to seal life is the practice of "driving."

The process of "driving," as practised on the Pribyloff Islands, is not only in itself cruel, but is excessively destructive. Seals often die while being driven, but a more serious loss is brought about by the enfeeblement of the productive powers of seals so driven.

Even in 1842, remarks bearing out these statements may be found in the Russian Records; and Messrs. Elliott and Maynard, in 1872–74, also allude to similar facts. In 1890, however, when attention had been drawn to the decrease of seals upon the Pribyloff Islands, Messrs. Elliott, Goff, Lavender, and Palmer—all officials of the United States Government—concur in attributing the most serious effects to "driving."

261 The British Commissioners write to the same effect, and point out in particular the increased injury inflicted by the process of driving under the circumstances at the time of their investigations (in 1891) actually existing on the islands, when great disturbance was caused on the breeding rookeries, and considerable numbers of breeding females were gathered up with the young males in the endeavour to collect drives. The United States Commissioners practically admit the existence of the same evils.

"DRIVING" A MOST INJURIOUS FEATURE IN METHODS PRACTISED ON PRIBYLOFF ISLANDS.

The actual method of taking seals upon the Pribyloff Islands is a subject which also rightly falls under the head of the management of these breeding resorts of the seal. If the skins of seals are to be obtained for the use of man, the animals must be killed, and the precise method of the killing is a matter of comparatively small importance. There is, however, one special feature incident to the mode of taking seals upon the islands which, from the loss occasioned by it, has had a direct effect on the whole number of seals, and has operated particularly in the direction of reducing the already too small number of virile male seals, and in aggravating materially the result of a too high rate of killing. This is the practice known as "driving." Surrounded on the "hauling-grounds"—which so long as the normal conditions prevail, and before the reduction in numbers became serious, were at least theoretically separate from the actual breeding rookeries—the seals are driven overland to the killing places. A certain proportion is then selected for killing; and the remainder, consisting of males too young or too old for profitable killing, or of females accidentally gathered up from the margins of the breeding rookeries proper, is allowed to escape and to return to the water.

ITS UNNATURAL AND DESTRUCTIVE CHARACTER.

In explanation of the general results of the practice of driving animals for considerable distances overland, which, by their organization, are fitted for free and easy movement in the sea alone, reference may be made to another page, where the marine habits and mode of life of the fur-seal are spoken of, and where Sir William Flower, Professor Allen, and other authorities are quoted in support of facts in connection with this, which have never, till in the Case now presented by the United States, been questioned. The specific evils which experience has proved to follow from the practice in question, in the case of the fur-seal upon the Pribyloff Islands, may here be pointed out by means of the recorded observations. Apart from the cruelty inherent in the mere process of driving animals so organized, the actual effects of the operation have been found to show themselves in the death by the way, from exhaustion, of driven animals; the impaired or totally destroyed virility of the males thus frequently driven, and the disturbance caused by such driving, leading to the avoidance of the breeding-islands, or to their abandonment by large numbers of seals.

See pp. 101 *et seq.*

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EVIL EFFECTS INCREASED WITH INCREASING SCARCITY OF KILLABLES.

It will be understood that, when large numbers of young "killable" males still existed upon the islands, the evils mentioned were comparatively small, but with the increas-

ing scarcity of "killable" seals; ever larger numbers of those of other classes were necessarily driven in the efforts to secure the "quota," and of those thus uselessly driven many were included again and again in succeeding drives. While as the "hauling-grounds" became, in consequence of the decreased number of bachelor seals, less and less clearly separated from the breeding-grounds, considerable numbers of females engaged in suckling their young upon these grounds became unavoidably included in the drives. At the time at which Mr. H. W. Elliott recorded his observations of 1872–74 in his official Report which formed part of the records of the 10th Census of the United States, and was reprinted by the United States Government, with slight alterations, in the "Fishery Industries of the United States," he held the view that the mode of taking and killing the fur-seal upon the Pribyloff Islands could not be improved upon; yet even in this monograph, which has ever since remained the principal source of information on the fur-seal of the North Pacific, the following references to driving are found:

Observations by Mr. H. W. Elliott, 1872–74.

A drove of seals on hard or firm grassy ground, in cool and moist weather, may be driven with safety at the rate of half-a-mile an hour; they can be urged along, with the expenditure of a great many lives, however, at the speed of 1 mile or 1¼ miles per hour; but this is seldom done.

Census Report, pp. 71, 72.

Further on he speaks of the disposition of the old seals to fight—

rather than endure the panting torture of travel:

and on the next page writes:

LOSS OF SEALS DUE TO "DRIVING" AT THAT TIME.

The progression of the whole caravan is a succession of starts,
263 spasmodic and irregular, made every few minutes, the seals pausing to catch their breath, and make, as it were, a plaintive survey and mute protest. Every now and then a seal will get weak in the lumbar region, and then drag its posteriors along for a short distance, finally drop breathless and exhausted, quivering and panting, not to revive for hours—days, perhaps—and often never. During the driest driving days, on those days when the temperature does not combine with wet fog to keep the path moist and cool, quite a large number of the weakest animals in the droves will be thus laid out and left on the track.

* * * * *

This prostration from exertion will always happen, no matter how carefully they are driven, and in the longer drives, such as 2½, and 5 miles from Zapadnie on the west, or Polovina on the north, to the village of St. Paul, as much as three or 4 per cent. of the whole drive will be thus dropped on the road; hence I feel satisfied, from my observation and close attention to this feature, that a considerable number of those that are thus rejected from the drove, and are able to rally and return to the water, die subsequently from internal injuries sustained on the trip, superinduced by this over-exertion.

LIEUTENANT MAYNARD, 1874.

Lieutenant Maynard, U. S. N., in his Special Report of 1874, also writes:

H. R., 44th, Cong., 1st Sess., Ex. Doc. 43, p. 9.

> There has been a waste in taking the skins, due partly to the inexperience of the Company's agent, and partly to accident and the carelessness of the natives. In making the drive, particularly if they are long on, and the sun happens to pierce through the fog, some of the seals become exhausted and die at such a distance from the salt-houses that their skins cannot well be carried to them by hand, and are therefore left upon the bodies.

VENIAMINOV, 1842.

The observations above quoted are, however, but an amplification and repetition of the still earlier notes of the Russian chronicler, Veniaminov, who, referring to about the year 1842, writes:

Census Report, p. 141.

> Nearly all the old men think and assert that the seals which are spared every year, *i. e.*, those which have not been killed for several years, are truly of little use for breeding, lying about as if they were outcasts or disenfranchised.

CAPTAIN SCAMMON.

Speaking of the actual killing of seals upon the Pribyloff Islands, under the Russian management, Captain Scammon further says:

"Marine Mammalia," p. 156.

> The loud moanings of the animals when the work of slaughtering is going on beggars description; in fact, they manifest vividly to any observing eye a tenderness of feeling not to be mistaken. Even the simple-hearted Aleutians say that "the seals shed tears."

Notwithstanding these early strictures on the
264 method of driving, and its effect in loss of seals and impaired virility of the survivors, the method has been continuously practised on the islands, with scarcely a word of recorded remonstrance, till within the past few years, the reduced number of seals renewed inquiry and drew attention to the modes employed.

MR. H. W. ELLIOTT, 1890.

When Mr. Elliott again visited the Pribyloff Islands in 1890—in the light of facts, he felt compelled to change his previously-formed opinions as to the perfection of the methods there in use. He writes as follows*:

British Case, Appendix, vol. iii, "United States No. 2 (1891)," pp. 56, 57.

> I can see now, in the light of the record of the work of sixteen consecutive years of sealing, very clearly one or two points which were wholly invisible to my sight in 1872–74. I can now see what that effect of driving overland is upon the physical well-being of a normal fur-seal, and, upon that sight, feel warranted in taking the following ground.
>
> The least reflection will declare to an observer that, while a fur-seal moves easier on land, and freer than any or all other seals, yet, at the same time, it is an unusual and laborious effort, even when it is voluntary; therefore, when thousands of young male seals are suddenly aroused to their utmost power of land locomotion, over rough, sharp rocks, rolling clinker stones, deep loose sand, mossy tussocks, and other equally severe impedimenta, they in their fright exert them-

*Quotation is again made from that part of his Report which he has himself published.

selves most violently, crowd in confused sweltering heaps one upon the other, so that many are often "smothered" to death; and in this manner of most extraordinary effort, to be urged along over stretches of unbroken miles, they are obliged to use muscles and nerves that Nature never intended them to use, and which are not fitted for the action.

This prolonged, sudden, and unusual effort, unnatural and violent strain, must leave a lasting mark upon the physical condition of every seal thus driven, and then suffered to escape from the clubbed pods on the killing-grounds; they are alternately heated to the point of suffocation, gasping, panting, allowed to cool down at intervals, then abruptly started up on the road for a fresh renewal of this heating as they lunge, shamble, and creep along. When they arrive on the killing-grounds, after four or five hours of this distressing effort on their part, they are then suddenly cooled off for the last time prior to the final ordeal of clubbing; then when driven up into the last surround or "pod," if the seals are spared from cause of being unfit to take, too big or too little, bitten, &c., they are permitted to go off from the killing-ground back to the sea, outwardly unhurt, most of them; but I am now satisfied that they sustain in a vast majority of cases internal injuries of greater or less degree, that remain to work physical disability or death thereafter to nearly every seal thus
265 released, and certain destruction of its virility and courage necessary for a station on the rookery even if it can possibly run the gauntlet of driving throughout every sealing season for five or six consecutive years; driven over and over again as it is during each one of these sealing seasons.

Therefore, it now appears plain to me, that those young male fur-seals which may happen to survive this terrible strain of seven years of driving overland are rendered by this act of driving wholly worthless for breeding purposes—they never go to the breeding-grounds and take up stations there, being utterly demoralized in spirit and in body.

With this knowledge, then, the full effect of "driving" becomes apparent, and that result of slowly but surely robbing the rookeries of a full and sustained supply of fresh young male blood, demanded by Nature imperatively, for their support up to the standard of full expansion (such as I recorded in 1872–74),—that result began, it now seems clear, to set in from the beginning, twenty years ago, under the present system.

MR. C. J. GOFF, 1890.

Referring to the same year, and in illustration particularly of the cumulative losses inflicted by this process of driving when the number of young males of "killable" age has become much reduced—losses which must have been in progress for many years, though they did not culminate in intensity till the year 1890—Treasury Agent Goff may be quoted as follows:

Now, in opening the season, it is customary to secure all the 2-year-olds and upwards possible before the yearlings begin to fill up the hauling grounds and mix with the killable seals. By so doing it is much easier to do the work, and the yearlings are not tortured by being driven and redriven to the killing-grounds. Heretofore it was seldom that more than 15 per cent. of all the seals driven the latter part of June and the first few days in July were too small to be killed, but this season the case was reversed, and in many instances 80 to 85 per cent. were turned away. The accompanying percentage examples will show the disposition of this year's drive. The first killing of fur-seals by the lessees was on the 6th June, and the scarcity of killable seals was apparent to all.

British Case, Appendix, vol. iii, "United States No. 2 (1891)," pp. 15, 16.

United States Senate, 51st Cong., 2nd Sess., Ex. Doc. No. 49, pp. 4, 5.

The season closed on the 20th July, and the drives in July show a decided increase in the percentages of small seals turned away, and a decrease in the killables over the drives of June, demonstrating conclusively that there were but few killable seals arriving, and that the larger part of those returning to the islands were the pups of last year. The average daily killing for the season was 400, or a daily average of 522 including only the days worked.

* * * * *

We opened the season by a drive from the Reef rookery, and turned away 83½ per cent., when we should have turned away about
266 15 per cent. of the seals driven, and we closed the season by turning away 86 per cent., a fact which proves to every impartial mind that we were redriving the yearlings, and considering the number of skins obtained that it was impossible to secure the number allowed by the lease, that we were merely torturing the young seals, injuring the future life and vitality of the breeding rookeries to the detriment of the lessees, natives, and the Government.

MR. A. W. LAVENDER, 1890.

British Case, Appendix, vol. iii, "United States No. 2, (1891)," p. 21. United States Senate, 51st Cong., 2nd Sess., Ex. Doc. No. 49, p. 9.

Agent A. W. Lavender, reporting upon the same point, says:

All the male seals driven should be killed, as it is my opinion that not over one-half ever go back upon the rookeries again.

MR. W. PALMER, 1890.

Another, and entirely independent observer, also referring to the year 1890, in which interest became directed to the state of the rookeries and the causes of their decline, is found in Mr. W. Palmer, of the United States national museum. In a paper read before the Biological Society of Washington after his return from the Pribyloff Islands, Mr. Palmer treats this subject at considerable length, and evidently as the result of close observation. Following some remarks on pelagic sealing (of which, however, he does not profess to speak from personal knowledge), he writes:

"Forest and Stream," October 29, 1891. British Commissioners' Report, pp. 187, 188.

But pelagic seal fishing is not the only cause of the decrease of seal life on the Pribyloffs.

Probably an equal cause is the unnatural method of driving seals that has been followed on the islands since the first seal was captured. The mere killing of seals as conducted on the islands is as near perfection as it is possible to get it. . . . But the driving is a totally different matter. I doubt if any one can look upon the painful exertions of this dense crowding mass, and not think that somewhere and somehow there is great room for improvement. It is conducted now as it always has been: no thought or attention is given to it, and, with but one exception, no other method has been suggested, or even thought necessary.

* * * * *

The fur-seal is utterly unfitted by nature for an extended and rapid safe journey on land. It will progress rapidly for a short distance, but soon stops from sheer exhaustion. Its flippers are used as feet, the belly is raised clear from the ground, and the motion is a jerky but comparatively rapid lope. When exhausted the animal flops over on its side as soon as it stops moving, being unable to stand up.

* * * * *

The character of the ground over which the seals are driven is in many places utterly unfit for the purpose; up and down the
267 steep slopes of sand dunes, over cinder hills studded with sharp rocks, some places being so steep that they are avoided by the people themselves; but the seals have been driven over the same ground for many years, and on some of the hills deep paths have been worn by the passing of tens of thousands of seals. No attempts have been made to remove the rocks or to lessen the difficulties of the passage, and the seals are still driven pell-mell over huge rocks and down steep inclines, where many are crushed and injured by the hurrying mass of those behind. . . . . The seals that are not killed are then driven away with tin pans and a great noise, and while in an excited and over-heated condition, rush, as fast as it is possible for a seal to go, into the icy-cold waters of Behring Sea.

It will thus be seen that these seals are subjected, on the average from 2 o'clock in the morning until 10, to a long drive over very rough

ground, then to a dense herding, where they are continually in motion and crowding each other, thence to an intense excitement on the killing ground, and finally, in a condition little better than madness rushing into icy-cold water. Uncivilized or partly-civilized man has no pity for dumb brutes, and as these drives are conducted entirely by the natives, who prefer indolence in the village to the discomforts of a drive in the fog and rain, it follows that the seals are often driven much faster than they should be, and absolutely without thought or care. But this is not all. The seals that are spared soon haul-out again near a rookery, and perhaps the very next day are obliged to repeat the process, and again and again throughout the season, unless in the meantime they have crawled out on a beach to die, or have sunk exhausted to the bottom. The deaths of these seals are directly caused, as I shall explain, and, so far as I am aware, it is mentioned now for the first time.

MR. PALMER ON ACTUAL CAUSE OF DEATH OF DRIVEN SEALS.

Mr. Palmer then states that he believes death to result chiefly from the consumption of the natural store of fat while the animal is too exhausted to go in search of food. He continues:

I remember looking with great curiosity for the cause of death in the first seal I found stranded on the beach. Externally there was nothing to indicate it, but the first stroke of the knife revealed instantly what I am confident has been the cause of death of countless thousands of fur-seals. It had been chilled to death; not a trace remained of the fat that had once clothed its body and protected the vital organs within. . . . I opened many after this, and always discovered the same, but sometimes an additional cause, a fractured skull perhaps. I have even noted those left behind in a drive, and watched them daily, with the same result in many cases. At first they would revel in the ponds or wander among the sand dunes, but in a few days their motions became distinctly slower, the curvature of the spine became lessened; eventually the poor brutes
268 would drag their hind flippers as they moved, and in a few days were become food for the foxes. In every case the fat had disappeared.

* * * * *

During the eight years' minority of the few male seals that have escaped their enemies it is safe, I think, to assume that at least four summers were spent in getting an experience of the drives. Does any one think that they were then capable of filling their proper functions on the rookeries?

* * * * *

The natives have been provided with whistles, and when a boat finds itself near a rookery (and a pretence for its presence is easily found) good use is made of them, with a consequent confusion among the seals, and a probable increase in the next morning's drive. And yet a stranger on the islands is bamboozled with the information that his presence a few yards from the village is fraught with great danger to the Company's interests.

After speaking of the care exercised in regard to the driving of seals upon the Russian (Commander) Islands, Mr. Palmer contrasts the state of affairs as observed by him on the Pribyloff Islands as follows:

On the American side, on the contrary, the seals are driven as fast as possible, the only ones being weeded out being those too weak to go further, while of those rounded up on the killing-ground by far the greater number are allowed to escape. Out of a drive of 1,103 counted by me only 120 were killed; the rest were released.

BRITISH COMMISSIONERS ON EFFECTS OF "DRIVING."

The British Commissioners, in treating the subject of driving seals on the islands, and its effects, say:

British Commissioners' Report, para. 704.

> One of the most important points connected with the taking of fur-seals on the Pribyloff Islands is that of the method of driving from the various hauling-grounds to the killing-grounds. However safeguarded or regulated, the method of driving fur-seals overland for considerable distances must be both a cruel and destructive one.

This process of driving is then explained and examined, and instances of its effects, as noticed by the Commissioners themselves, are given; and the following further remarks are made:

Ibid., para. 707.

> If it were possible to drive only those seals which it is intended to kill, little exception could be taken to the method of driving in the absence of any better method, but the mingling of seals of varied ages upon the hauling-grounds from which the drives are taken, even under the original and more favourable conditions of former years, renders it necessary to drive to the killing place many seals either too young or too old to be killed.

269 FEMALES INCLUDED IN "DRIVES."

Attention is then called to the intensification of the evils incident to driving when the whole number of "killable" seals becomes much reduced, and, in particular, when it is under such circumstances still attempted to secure a large annual "quota" of skins. The necessary injury to vitality in the case of the seals driven but not killed is noticed, together with the fact that suckling females are often included in the drives.

On the point last alluded to it is said:

British Commissioners' Report, para. 716.

> Thus, it has occurred that, in late years, considerable and increasing numbers of breeding females have been driven to the killing-grounds with the killables, though when recognized there in the process of selecting for killing, they have been released.

Appendix, vol. i, p. 152.

Referring to his observations on the Pribyloff Islands in 1892, Mr. Macoun also reports that in 1892 he counted the seals killed and those allowed to escape at four "drives," and that the number killed varied from 13 to 17 per cent. of the whole number driven. He also mentions having seen many badly injured seals driven from the killing-ground, that would probably die; and that along the route over which seals had been driven, many carcasses of seals that had died were found.

To show that the inclusion in the drives of seals not intended to be killed, including females, is no new thing, Captain Bryant may again be quoted. In the passage cited, he refers particularly to the year 1869:

British Commissioners' Report, para. 718. Bull. Mus. Comp. Zool., vol. ii, Part I, p. 105.

> At the close of this period the great body of yearling seals arrive. These, mixing with the younger class of males, spread over the uplands and greatly increase the proportion of prime skins, but also greatly increase the difficulty of killing properly. Up to this time, there having been no females with the seals driven up for killing, it was only necessary to distinguish ages; this the difference in size enables them to do very easily. Now, however, nearly one-half are females, and the slight difference between these and the younger males renders it necessary for the head man to see every seal killed, and only a strong interest in the preservation of the stock can ensure proper care.

IMPOSSIBILITY OF EXCLUDING FEMALES FROM "DRIVES."

Again speaking of the years 1872–74, Mr. Elliott writes:

> It is quite impossible, however, to get them all of one age without an extraordinary amount of stir and bustle, which the Aleuts
> 270 do not like to precipitate; hence the drive will be found to consist usually of a bare majority of 3- and 4-year-olds, the rest being 2-year-olds principally, and a very few, at wide intervals, 5-year-olds, the yearlings seldom ever getting mixed up.

Ibid., para. 717. United States Census Report, p. 72.

Even as early as 1872–74, the major portion of the catch is reported to have consisted of 2- and 3-year-old seals, and under such circumstances the practical impossibility of excluding young females from the number killed is pointed out by the British Commissioners.

British Commissioners' Report, para. 719. Ibid., paras. 698–700. See also evidence in United States Case, p. 203.

On the subject last mentioned, Mr. S. N. Buynitzky's Report of 1870 may also be referred to, where he says that females are easily mistaken for young males even by the natives.

H. R., 44th Cong., 1st Sess., Ex. Doc. No. 83, p. 42.

The special effects produced by the disturbance and alarm of the seals upon the breeding-islands, with other facts, are also treated of in this connection by the British Commissioners; but for details their Report (particularly paragraphs 704–721) should be referred to. In concluding this subject, the Commissioners write:

> The aggregate loss incurred is thus the result of various causes, which together involve the killing of many seals which ought not to be killed, and it is evident that the methods of driving and killing on the Pribyloff Islands, as now practised, are susceptible of very great improvement.

British Commissioners' Report, para. 721.

STATEMENTS OF THE UNITED STATES COMMISSIONERS.

The United States Commissioners, though in a very qualified manner, substantially admit the existence of the same evils. Their admission appears to mean in effect that while such disastrous practices have been allowed continuously for twenty years or more, they may at some future time be remedied, if it be thought expedient. They write:

> While there is no doubt that in some instances excessive driving has been allowed, that seals have been driven further than is actually necessary, and that proper care has not been taken to eliminate the non-killable seals as far as possible before the driving is well under way, those are matters that are so entirely under control that a proper adjustment may be secured at once.

United States Case, p. 361.

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CHAPTER XV.

Management of the Pribyloff Islands by Russia and by the United States—(continued).

ABSENCE OF PROPER CONTROL BY GOVERNMENT AGENTS.

THE UNITED STATES CONTENTIONS.

(1.) United States Case, pp. 136, 137—

"The origin and practical workings of the lease of 1870 were made the subject of an elaborate investigation in 1876 by the Committee of Ways and Means of the 44th Congress, who reported that in their opinion, the terms of the lease were highly favourable to the Government and all parties concerned."

(2.) United States Case, p. 137—

"In a subsequent investigation in 1888 by the Committee on Merchant Marine and Fisheries of the 50th Congress, the same conclusion was reached."

(3.) United States Case, p. 139—

"It is evident from the nature of the industry that in case the sealing on the islands should be managed directly by the Government the opportunities for fraud and theft are very great on the part of the agents, who under the Act of 1870 are prohibited from being in any way connected or interested in the industry: as it is now, the lessees and Agents are restraints upon each other."

(4.) United States Case, pp. 139, 140—

"Immediate Government management is at once seen to be impracticable under these circumstances and the present method employed to be the only feasible one.

"The careful investigations made by the Congressional Committees showed that the Alaska Commercial Company had fulfilled the terms of the lease in all respects according to the requirements of the Act of 1870."

(5.) United States Case, p. 145—

"The handling of the seals on the islands, being entirely done by the natives, is directly under the supervision of the Government Agents."

(6.) United States Case, pp. 146, 147—

"Under this lease [that of 1890] it is difficult to see how the United States could have a more complete control over the seal industry on the islands, even if it took the entire management of the business. Leasing under such terms gives the Government absolute power in fixing the quota according to the condition of the herd, and at the same time avoids the details of management and disposing of the skins, which are the especial difficulties in the way of the United States working the rookeries itself. The course thus adopted by the United States seems as free from criticism or improvement as any that can be suggested."

272 (7.) United States Case, pp. 153, 154—

"The number of seals allowed to be killed annually by the lessees was, from 1871 to 1889, inclusive, 100,000; but this number is variable, and entirely within the control of the Treasury Department of the United States. In 1889 Charles J. Goff, then the Government Agent on the islands, reported to the Department that he considered it necessary to reduce the quota of skins to be taken in 1890."

Summary of British Reply.

The supervision and control of the lessees of the Pribyloff Islands by the Government Agents of the United States has throughout been lax and inefficient, and not such as to afford proper safeguards to seal life upon the islands. Mr. Boutwell, Secretary of State when the leasing of the islands to a Company was first proposed, anticipated this result, and his forecast has been fully justified by events.

The fact that, though reported against from time to time, the quota of skins was allowed for twenty years to stand unchanged at 100,000, is alone sufficient to show that the lessees exercised an influence to the detriment of seal life upon the islands.

The statement made on p. 154 of the United States Case is wholly misleading, because of its omission of mention of any reports speaking of the injury resulting from the taking of the allowed quota of 100,000 skins, previous to that contained in Mr. Goff's Report of 1889, after which action resulting in a reduction of this quota was first taken. It is known that smaller skins were allowed by the Government Agents to be taken from year to year, at least since 1883, in order to enable the quota to be filled; and this without any check being attempted by the Government.

Official Reports of the United States, including Reports of the Governor of Alaska, with other evidence, show that the lessee Company practically exercised independent control over the whole western part of the Territory of Alaska.

The Company, in fact, controlled the Government Agents, who were in all respects dependent on them. Evidence shows that wholly inexperienced men were sent to the Pribyloff Islands; that they were frequently changed; and that at least several of these Agents were not furnished with instructions by the Government.

The driving and killing of the seals, carried out as a rule by the "natives" of the Pribyloff Islands, can further be shown to have been directly controlled by the Agents of the Company, and not by those of the Government. The same conditions existed in 1892.

Summary of United States Contentions as to Methods of Control by Government Agents.

The statements above quoted from the Case of the United States are grouped in order to show the nature and amount of the control claimed to have been exercised over seal interests on the Pribyloff Islands, and particularly over the operations of the lessees of these islands, by the United States' Government. It appears to be asserted that, though certain circumstances prevented the establishment of an efficient control from the date of the cession of Alaska in 1867 to 1869, yet, in 1869, such control was initiated; that the only practicable course open to the United States Government was that of granting an exclusive right of sealing on the islands to a Company; that, under the lease of 1870, the Government Agents have been prohibited from being in any way connected with, or interested in, sealing; and that such Agents and the lessees are restraints upon each other. Further, that Committees of Congress have, in 1876 and 1888, investigated the operations of the leasing Company, and have found these to be entirely satisfactory; that the conditions of the present lease (beginning in 1890), like those of the previous lease, are such as to give the United States Government absolute power to fix the "quota" according to the condition of the rookeries; and that the handling of seals upon the islands is carried out under the immediate supervision of the Government Agents, being done by the natives, who are directly controlled by these Agents.

United States Case, p. 133.

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United States Case, pp. 137-146.

CONTROL BY GOVERNMENT AGENTS IN REALITY INEFFECTIVE.

See pp. 226 *et seq.*

The subject-matter of some of these assertions has already been in part dealt with more particularly, in foregoing pages, which treat of the early history of the United States management of the Pribyloff Islands. Reasons will here be given to justify a belief that the control exercised on the Pribyloff Islands and in connection with the fur-seal industry by, the United States through its Agents has throughout been lax and defective; that in many cases the officials of the Company leasing the islands appear in reality to have controlled the Government Agents; that from time to time accusations of improper conduct have been laid against the Agents and officers, both of the Government and the Company; and that, as a matter of fact, the supervision of the natives, and of the handling of the seals there, have practically been under the control of the Company, and not of the Government Agents.

THIS RESULT FORESEEN BY MR. BOUTWELL.

Speaking in 1870 of the proposal at that time first under discussion for the leasing of the Pribyloff Islands to a Company for a term of years, Mr. Boutwell, then Secretary of State for the United States, took exception to it on the ground that it would create a monopoly, and added:

41st Cong., 1st Sess., Ex. Doc. No. 109.

> Moreover, the natives of the islands would be under the control of the Company, and as the expiration of the lease approached,
> 274 the inducements to protect them and preserve the fisheries would diminish, especially if the Company saw, as would probably be the case, that it had no hope of a renewal of its privileges. Under these circumstances, the Government of the United States would necessarily be subjected to great expense and trouble. . . . I am of opinion that it is better that the Government should assume the entire control of the business of the islands, and exclude everybody but its own servants and agents; that it should establish a rigid system of police, excluding from the islands distilled spirits and firearms, and subject vessels that touch there to forfeiture, except when they are driven to seek shelter, or for necessary repairs.

INEFFICIENCY OF CONTROL SPECIALLY EVIDENCED BY NON-REDUCTION OF QUOTA.

It is submitted that the above remarks of Secretary Boutwell have been entirely justified by the subsequent history of the Pribyloff Islands under the operation of the lease which was entered into not long afterwards. The exact conditions which were foreseen by the Secretary in effect did grow up; and at the expiry of the lease, and even since under the operations of a new lease, some of those best informed on the whole subject are found to advocate the same system of direct Government control as that suggested by Secretary Boutwell.

In connection with the amount and efficiency of the control actually exercised over the operations of the Company on the Pribyloff Islands by the United States Government, the most important question is that of the number of seals allowed to be killed, and of the relation of that number to the actual state of the seal rookeries on these breeding-islands.

ADMITTED IN UNITED STATES CASE THAT QUOTA REMAINED UNALTERED WHILE SEALS STATIONARY OR DECREASING IN NUMBER.

It has already been shown that it was in the power of the Secretary of the Treasury to reduce the number of seals to be killed annually on the islands, but that though repeated official Reports spoke of the deterioration of the rookeries, no such reduction took place. It is, in fact, in the Case now presented by the United States, alleged that, from 1880 to 1884–85, the number of seals resorting to the islands remained stationary, and that in 1884 a marked decrease began, which has since continued. This contention is elsewhere disproved, but even if it be admitted, it is clearly apparent that if the number remained stationary during the years mentioned, the recurrence of climatically disastrous years like those of 1836, 1859, and 1876 would have produced most serious effects. It is, indeed, evident that only the continued increase of the seals during a succession of favourable years, renders them able to withstand successfully the occasional natural reverses to which they are liable; while from 1884, when it is asserted that a steady diminution first began, the Pribyloff Islands must be admitted to have been in a still more alarming condition.

United States Case, p. 164.

Elliott, Census Report, p. 49.
United States' Case, p. 103.
Bryant, in "Monograph of North American Pinnipeds," p. 399.

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QUOTA UNCHANGED DURING LEASE OF ALASKA COMMERCIAL COMPANY.

Notwithstanding this, however, no change in the number to be killed, or "quota," was made during the entire term of lease of the Alaska Commercial Company: and it was not till 1890 (this being the first year of the new lease of the North American Commercial Company) that the "quota" was reduced from 100,000 to 60,000.

The British Commissioners, after pointing out the power of regulation nominally vested in the Secretary of the Treasury, write respecting the "quota" of 100,000:

> Practically, however, and on grounds not publicly explained, it remained unaltered, and became a fixed limit.

British Commissioners' Report, para. 47.

And, further:

> When a decrease became apparent on the islands, prudence should have dictated some curtailment of the annual slaughter there. . . . No such curtailment, however, occurred. The Company holding the lease of these islands on fixed terms were not interfered with, but continued to take their full legal quota of skins without regard to the risk to seal life as a whole. Not only so, but instead of reducing the catch, the standard of weight of skins taken on the islands was steadily lowered so as to include a younger class of seals under the designation of "killables."

Ibid., paras. 71–73.

* * * * *

INTERESTS OF THE LESSEE COMPANY ALONE REGARDED.

The Company holding the lease of the Pribyloff Islands had, of course, its own interests in view, and the period of the lease was drawing to a close; but it must be added that no explanation has

been offered by the Government Agents in charge of the islands *
276 of the principles under which they were guided to allow this lowering of standards, with the concomitant encroachment on the limits of breeding rookeries, and the extension of the area of driving to places hitherto held in reserve.

The circumstances thus disclosed by the statements made in the Case presented on the part of the United States, go far towards establishing the statements so frequently made, that the Company holding the lease of the Pribyloff Islands exercised a very powerful influence over the Government officials who were appointed to supervise its operations.

THIS ASSERTION, THAT THE "QUOTA" WAS UNDER GOVERNMENT CONTROL, WHEN IT REMAINED UNALTERED, THOUGH REDUCTION NECESSARY, IS THEREFORE MISLEADING.

This particular phase of the "control" or "management" exercised by the Government is very lightly touched upon in the Case of the United States, where it is said:

United States Case, pp. 153, 154. The number of seals allowed to be killed annually by the lessees was, from 1871 to 1889, inclusive, 100,000, but this number is variable and entirely within the control of the Treasury Department of the United States. In 1889 Charles J. Goff, then the Government Agent on the islands, reported to the Department that he considered it necessary to reduce the quota of skins to be taken in 1890. The Government at once reduced the number to 60,000, and ordered the killing of seals to cease on the 20th July.

ADMISSIONS IN UNITED STATES CASE THAT UNUSUAL AND INJURIOUS MEASURES ADOPTED TO FILL UNCHANGED "QUOTA" IN LATE YEARS.

It is submitted that the statement above quoted does not represent the facts as they occurred.

The United States Commissioners write as follows:

Ibid., p. 338. It is well known that during the last few years *the operating Company had experienced difficulty in finding a sufficient number of high-class skins to fill the quota permitted by the Government*, and that finally that quota was greatly reduced by order of the Representatives of the Government on the islands.

On the other hand, Professor J. A. Allen says:

United States Case, Appendix, vol. i, pp. 407, 408. During the last two or three years, however, and in consequence of the decline from the former status of the herd, *it has been necessary to lower the age of seals selected for killing, and also to redrive portions of the herd, in order to secure even the greatly restricted quota allowed to be taken in 1890*, the last year of killing for commercial purposes.

* These were: Agents H. G. Otis, H. A. Glidden, G. R. Tingle, and C. J. Goff. (The last-named reported against the continued killing of the "quota," and was removed.) Assistant Agents W. B. Wardman, L. Kimmel, H. G. Fowler, A. P. Loud, T. J. Ryan, J. P. Manchester, W. Gavitt, J. Murray, and S. R. Nettleton.

The names of several of these officers occur prominently among those of persons now produced in evidence by the United States.

277 BUT THESE ADMISSIONS VERY IMPERFECT, AND, CONSEQUENTLY, MISLEADING.

It is believed that the admissions contained in the two passages last quoted are in themselves sufficient to show that no efficient control was exercised in the interests of seal life on the Pribyloff Islands by the United States Government. But these admissions fall short of the facts as known and recorded in the official Reports of that Government. It has already been shown by reference to these Reports, and confirmed by ascertained facts respecting the skins sold by the Company, that a reduction in the sizes of skins had been deliberately allowed from year to year, at least since 1883, whereas no reduction in number was enforced till 1890, the first year of the lease to the new Company. That the "quota" of 100,000 had, in effect, become a fixed number, as stated by the British Commissioners, is shown by Professor Allen's remarks as to the extraordinary measures found to be "necessary," and practised in order to secure the "quota."

The following notes and quotations afford further evidence of the absence of proper control on the part of the Government:

F. N. Wicker, a special Treasury Agent, in respect to the year 1869, stated that, though the law was nominally in force, an inspection of the islands convinced him that more than the legal quota had been taken in that year and the skins sold to traders. H. Mis. Doc. No. 11, 41st Cong., 2nd Sess.

DR. DALL'S CHARGES RESPECTING GOVERNMENT AGENTS ON PRIBYLOFF ISLANDS.

Dr. W. H. Dall, at that time in charge of the hydrographic work in Alaska, under date the 31st August, 1874, addressed a letter to Messrs. Elliott and Maynard, then Commissioners for the United States in respect to the Pribyloff Islands, in which the following statements are made:

I have not arrived at that point where I should believe that the Government habitually employs dishonest Agents, though long experience in Alaska might shake any man's optimism.

* * * * *

I will now close this letter with one remark, which has no special connection with the foregoing, but which I believe of some importance. This is, that it would be very desirable that the officers of the United States employed on the Pribyloff Islands should be prohibited from receiving pay from, or rendering services for pay to, the Company whom, practically, they are placed there to watch. That this has occurred in several instances I am aware, and probably in some cases without any improper intent on either side; but it is evident at once that it opens a wide door for scandal, if not for fraud. H. R., 44th Cong., 1st Sess., Ex. Doc. 83, pp. 235, 236.

278 GENERAL HOWARD'S OBSERVATIONS AS TO THE LESSEE COMPANY, 1875.

General O. O. Howard, while engaged in his official inspection in Alaska in 1875, was evidently much impressed with the circumstances that the Alaska Commercial Com-

pany, the lessees of the Pribyloff Islands, exercised an altogether undue amount of influence there. This is particularly evidenced by the following remarks in his official Report:

H. R., 44th Cong., 1st Sess., Ex. Doc. No. 83, p. 149.

> A citizen of long standing on the coast writes me that the Fur Company who have leased the seal business from the United States Government make millions of profit; and that their operations are concealed as much as possible; that vastly greater numbers are killed annually, more than their agreement allows, and that large amounts of hush-money are paid to keep the matter quiet.

Ibid., pp. 154, 158, 162.

General Howard transmitted with his Report a document entitled "A History of the Wrongs of Alaska," which was reprinted with that Report as a Congressional document. In it, numerous grave charges, concerning the granting of the lease of the Pribyloff Islands and the conduct of the lessees, were made. Most of these are unimportant in the present connection, but the practices of the Company complained of are said to have been rendered possible—

> principally through the assistance of the United States revenue officers.

Amongst those specified are Samuel Falkner, at one time Acting Commissioner at Sitka, and H. H. McIntyre, Special Agent of the Treasury Department, who both afterwards became employés of the Alaskan Commercial Company, and both now also appear as prominent witnesses in connection with the Case of the United States.

DANGER OF MONOPOLY.

General Howard observed that he was personally unable to judge of the character of the statements contained in this document, but added:

> [I] do believe it to be a mistake, and a dangerous precedent, on the part of the Government, to give into the hands of any Company, however benevolent in its intentions, so vast a monopoly.

GOVERNOR SWINEFORD'S CHARGES AGAINST THE COMPANY, 1887.

In his official Report for 1887, A. P. Swineford, Governor of Alaska, writes as follows of the operations and power of the Alaska Commercial Company, which he professes himself to be unable to control:

"Report of the Governor of Alaska," 1887, p. 32.

> 279 While all this and much more is true concerning its treatment of the native people, instances are not lacking where it has boycotted and driven away from the islands Government officials who, intent upon the honest, faithful discharge of their duties, have incurred the displeasure or refused to do the bidding of its Agents. In fact, it possesses the power to compel compliance with its every exaction, and wherever it has obtained a foothold neither white man nor native can do more than eke out a miserable existence, save by its sufferance.

HIS COMPLAINT OF ITS ACTION.

The actual relations of the Governor and nominal Executive Head of the Territory of Alaska to the Alaska Commercial Company are well illustrated by the fact that he

does not hesitate to complain that the agents of the Company undermine his own power at its source, writing:

Its paid agents and lobbyists are kept at the national capital to oppose any and every effort that may be made to promote the welfare of Alaska through such legislation as will encourage immigration and the enlistment of capital in the development of the natural wealth hidden away in her forests, streams, and mountains; its every aim and effort is in the direction of prolonging its existence and strengthening its tyrannical hold by a blocking of the wheels of progress. Ibid.

HIS CHARACTERIZATION OF THE CORPORATION.

While on another page he characterizes the same Corporation in the following terms:

Conceived (as there is abundant evidence to show) in corruption, born in iniquity, and nurtured and grown strong and insolent on ill-gotten gains wrung from a haplesss and helpless people, this giant monopoly, which rests like a blighting curse upon the progress and welfare of this great territory, should be shorn of its corruptly-secured, much-abused franchise with no more delay than may be absolutely necessary. Ibid., p. 34.

In the Appendix to this Report, Governor Swineford prints at length certain specific complaints by the United States Deputy Marshal at Unalaska respecting the conduct there of the agents of the Company. Ibid., pp. 43-45.

CHARGES REITERATED IN 1888.

It is proper to remark that the same gentleman, in his Report for the following year (1888), in the face of a "reply" made to his former statements by the President of the Company, repeats these statements. He writes:

I now and here reiterate every one of those charges, though I know full well that an investigation made by a Committee of Congress, holding its sessions in Washington, and calling as witnesses
280 only those who had been recipients of the Company's favours, is not likely to arrive at any just conclusion as to their truth or falsity. Ibid., 1888, p. 34. Compare United States Case, p. 138.

HIS OBJECTION TO THE MONOPOLY.

In the same Report, Governor Swineford remarks, in close agreement it will be observed with the earlier conclusions of General Howard, as follows:

I can see no good reason why the present monopoly of the [fur-seal] business may not be abolished, not only without loss to the Government, but to its very great advantage so far as the amount of revenue to be derived is concerned. The present system of farming out the rookeries is not only obnoxious to every sense of right and justice, but, as I think I have shown, is in a very great degree inimical to the best interests of the territory. "Report of the Governor of Alaska," 1888, p. 44.

DUTY OF THE GOVERNOR OF ALASKA TO INQUIRE ANNUALLY INTO OPERATIONS OF THE COMPANY.

Among the duties of the Governor of Alaska, as defined in section 5 of the Act of the 17th May, 1884, entitled "An Act to create a Civil Government for Alaska," is that of inquiring into the operation of the lease of the Pribyloff Islands. The Act provides:

The Governor appointed under the provisions of this Act shall from time to time inquire into the operations of the Alaska Seal and Fur

Company, and shall annually report to Congress the result of said inquiries, and any and all violations by said Company of the Agreement existing between the United States and said Company.

THE IMPOSSIBILITY OF EXECUTION OF THIS DUTY.

Though Governor Swineford succeeded in visiting the Pribyloff Islands in 1888, the circumstances are practically such that it is ordinarily impossible for the Governor of Alaska to carry out the above provision. The capital of the territory, Sitka, is situated at a distance of about 1,200 miles from Unalaska, the nearest place of any importance to the Pribyloff Islands, which lie at a further distance of about 200 miles. There has been no regular means of communication between Sitka and Unalaska till 1891, when a monthly mail was for the first time established for a part of the year. Thus, unless by means of some chance vessel, it has been necessary to send any communications passing from Sitka to Unalaska, or *vice versâ*, by way of San Francisco, involving a sea transit of some 3,500 miles, while from San Francisco to Unalaska there has again never been any regular mail service. It has thus very naturally happened that the whole of the western part of Alaska has been practically beyond the control of the Governor, and
281 that the powerful Company leasing the Pribyloff Islands has exercised there an almost independent sway.

MR. ELLIOTT ON RELATIONS OF GOVERNMENT AND COMPANY'S AGENTS.

Mr. H. W. Elliott, though throughout endeavouring to support the proceedings of the Alaska Commercial Company, does not leave the subject of the ambiguous relations between the officers of the Company and Government entirely unnoticed, writing in his official Report:

Census Report, p. 167.

> There remains an unwritten page in the history of the action of the Government towards the protection of seal life on the Pribylov Islands, and it is eminently proper that it should be inscribed now, especially so since the author of this Memoir was an eye-witness and an actor in the scene. When he first visited the Seal Islands, in 1872–73, he was compelled to take passage on the vessels of the Company leasing the islands; compelled, because the Government at that time had no means of reaching the field of action, except by the favour and the courtesy of the Alaska Commercial Company. This favour and this courtesy, as might be expected, was always promptly and generously proffered, and has never been alluded to as even an obligation or service rendered the Treasury Department. But, nevertheless, the thought occurred to me at the time, and was strengthened into conviction by 1874, that this indifference to its own self-respect and failure to support properly the aims of its agents up there should end; and that the Treasury Department should detail one of its own vessels to visit, transport, and aid its officers on the Pribylov Islands, and also be an actual living evidence of power to execute the law protecting and conserving the same.

MR. RYAN ON POSITION OF COMPANY'S AGENTS.

Mr. Ryan, Assistant Government Agent in 1885–86, states:

H. R., 50th Cong., 2nd Sess., Report No. 3883, p. 215.

> The Company's men are sailors and men they can pick up as best they can, and, as I have said before, they have been taught by the Government agents not only that everything belongs to them, not only the seal, but the rocks the seal are on.

* * * * *

You had to find out everything to be done from the Company people. . . . . If the Government Agents, I repeat, would do their conscious duty and not place themselves under obligation to the Company, by accepting free transportation, &c., and swearing afterwards that they paid their way, they would be much help to the poor natives.

He further says:

Mr. Morgan and the men under him were somewhat spoiled. The great trouble, Mr. Chairman, there is that the Government officers have not been doing their duty, and they have spoiled the Company, so much so, that they seem to think they not only own the seals, but that they own the whole island. Ibid., p. 213.

* * * * *

282 The officers have not done their duty in showing them [the natives] that the Government owns and governs the islands. H. R., 50th Cong., 2nd Sess., Report No. 3883, p. 214.

MR. W. PALMER ON THE CHARACTER OF THE GOVERNMENT AGENTS, AND THEIR RELATIONS TO THE COMPANY.

Respecting the inefficient control by the United States Government, Mr. W. Palmer, of the Smithsonian Institution in Washington, speaks as follows in a paper read by him before the Biological Society in Washington in 1891:

But these drives from Polavina and Zapadnie, and the decrease in seal life, seems to have been carefully concealed from the Government and others interested in the welfare of the seals; in fact, it has been strongly put forth in the Reports of the Treasury Agents in charge and elsewhere that the seals have actually greatly increased in numbers; but a comparison of the sketches alone in Mr. Elliott's "Monograph of the Seal Islands," made in 1873–74 and 1876, with the actual condition of affairs at present on the islands, will convince any one that the opinions and Reports of political appointees are almost worthless when dealing with the fate of the fur-seal. British Commissioners' Report, p. 189.

How can it be otherwise? Their tenure of office exists only with that of the Secretary of the Treasury; with every change of that office new men who know nothing of seals are sent up, and these men are entirely dependent on the Seal Company even for their passage and board while there. All visitors to the islands are regarded as interlopers and meddlers.

* * * * *

On the Russian side, it is a settled fact that the islands and seals belong to the Russian Government, and that the Company taking the skins has only certain restricted rights for that purpose; but on the American side it seems to be a settled fact, at least in the minds of the Company's people, that they own the seals and the islands, while the duty of the Government is to collect the tax and appoint Agents to subserve the interests of the Company only. The natives are utterly dependent on the Seal Company for their support, and while having a very vague idea that somehow the Government is a big thing, they naturally look to the Company for everything affecting their interests.

* * * * *

RESULTING DANGER TO SEAL INTERESTS.

I have only touched lightly upon several questions of the sealing industry, and have by no means exhausted the subject; but enough has been said, I think, to show that if an industry which eighteen months ago was expected to pay the Government a net profit of over 2,000 per cent., and is, besides, a great natural exhibit, the only one of the kind America can produce, is to be saved, reform is necessary. For twenty years the fur-seal has been the spoil of politics, and the victim of the poacher. Inexperience on the one hand, and avarice on the other, have well-nigh ruined the industry in American waters.

283 THE GOVERNMENT SHOULD TAKE ENTIRE CONTROL.

British Case, Appendix, vol. iii, "United States No. 2 (1891)," p. 21.

Assistant Agent A. W. Lavender, in his Report for 1890, says:

The Government should take absolute control of these islands.

United States. Senate, 51st Cong., 2nd Sess., Ex. Doc. 49, pp. 6, 9.

Treasury Agent C. J. Goff likewise recommends—

Ibid., pp. 17, 18.

That the Department take the entire matter of protecting these rookeries under its immediate supervision, for I regard any other system of protection dangerous to the future of all interested.

REMARKS OF UNITED STATES COMMISSIONERS DEPLORING FREQUENT CHANGE IN GOVERNMENT AGENTS.

The United States Commissioners make the following qualified allusion to the want of proper supervision and control by the Government Agents on the Pribyloff Islands:

United States Case, pp. 378, 379.

In addition to the establishment of such Regulations as would practically suppress pelagic sealing, it is strongly recommended that killing on the islands be subjected to somewhat more strict and competent supervision. While it is not believed that any serious consequences have resulted from looseness in this respect, the interests involved are so important, and in some respects so complicated, that too much care cannot be given to the selection of the proper persons to be intrusted with their conservation. The practice of frequent changes in the Government Agents is deplorable. They should be so familiar through association and observation with the appearance of the various rookeries as to be the first to notice any changes which may take place.

INEXPERIENCED MEN SENT TO THE ISLANDS.

They elsewhere state that, in 1890, the Government Agents sent to the islands were—

Ibid., p. 342.

new men, inexperienced in matters relating to seal life.

This, it will be remembered, was at a time when the rookeries were specially in need of competent supervision.

ABSENCE OF PROPER INSTRUCTIONS TO GOVERNMENT AGENTS.

As additional evidence of the general want of proper control on the part of the Government, it is noteworthy that no proper instructions appear to have been issued to the Government Agents as to their duties on the islands. Incidental proof of this is found in the evidence taken before the Congressional Committee of 1888.

CAPTAIN BRYANT.

As early as 1871 an allusion to the same matter is found in a letter to the Secretary of the Treasury, dated at St. Paul Island, the 19th May of that year, where Captain Bryant, the Government Agent, writes:

H. R., 44th Cong., 1st Sess., Ex. Doc. No. 83, p. 50.

284 In the absence of any instructions I shall be guided by a certified copy of the Act of Congress, authorizing the lease, and the conditions of the lease, as given me by the Company.

MR. W. B. TAYLOR.

Again, in the case of Mr. W. B. Taylor, Assistant Government Agent in 1881. This gentleman explains that, when he received his appointment as Treasury Agent, he was Clerk of the Illinois House of Representatives. He says:

I did not know where the Seal Islands were at that time; neither did I know what my duties would be. All that I knew was that I should proceed at once to San Francisco to take the vessel. I made inquiry as to the whereabouts of the islands, but I could not get much satisfaction anywhere. . . . I landed on St. George Island first a few hours, and then proceeded to St. Paul Island, and without any positive instructions from the Treasury Department, except in a general way. . . . . I was an Assistant Agent, but I was not aware of it till I got there. I discovered that I was to be the Assistant Agent after I came in contact with Mr. Otis. . . . . A Report which I made will explain, perhaps, the reasons why the associations with Mr. Otis were not altogether agreeable to me.

H. R., 50th Cong., 2nd Sess., Report No. 3883, p. 42.

MR. T. F. RYAN

Thus Mr. T. F. Ryan, First Assistant Agent on St. George Island from 1885 to 1887, when asked whether he had any instructions from the Treasury Department, replied:

No, Sir; I had none. When I left, I had some idea of matters up there and asked the Secretary about instructions, and he asked me to write my own instructions. I did not do so. I went up there and found not a scratch of a pen anywhere except a record from day to day, merely when it rained and when the sun shone and the state of the thermometer and things of that kind, but as to the government of the people, there was nothing. You had to learn for yourself.

Ibid., p. 215.

MR. W. GAVITT.

So, also, Mr. W. Gavitt, Assistant Treasury Agent in 1888 and 1889, states that he was sent to the islands without any instructions whatever from the Department.

It would appear, however, that in some cases the Chief Government Agent on the islands was expected to instruct the Assistant Agents, for Mr. G. R. Tingle states that he was provided with both written and verbal instructions from the Treasury Department. In giving evidence before the same Committee of Congress, the following
285 passage throwing further light on this point occurs:

Q. Did you give Mr. Gavitt [the Assistant Agent on St. George Island] instructions when he entered upon his duties?—A. He was assigned by the Department to St. George Island, and I was ordered to place him there and instruct him in his duties. I instructed him as far as he was capable of receiving instructions, went ashore with him, and showed him the books in the office, and how he was to keep them. I placed a copy of the Law and Executive orders in the office there, and gave him instructions as to the discharge of his duties.

H. R., 50th Cong., 2nd Sess., Report No. 3883, pp. 274, 275.

THE NATIVES AND THE TAKING OF SEALS ON THE ISLANDS HAVE BEEN UNDER THE CONTROL OF THE COMPANY'S AGENTS THROUHOUT.

Whatever the theoretical relations may have been as between the Government officers and the natives, it is evident that the natives themselves, as well as the handling

of the seals, have throughout been in practice actually under the control of the agents of the Company. The subjoined extracts have special bearing on the last-mentioned subject:

MR. H. W. ELLIOTT, 1872–74.

Mr. H. W. Elliott says:

H. R., 50th Cong., 2nd Sess., Report No. 3883, p. 138.

> The natives and the Company are jointly interested in getting the very best skins, and getting them as quickly as possible. . . . On the morning of a killing day the Company's agent gets up at the break of day and goes out with his party.

And says, further:

H. W. Elliott, in H. R., 44th Cong., 1st Sess., Report No. 623, p. 80.

> When the sealing season opens the men get together, and the chief goes to the Company's agent on a certain morning and asks if he is ready to go to work. The Company's agent says: "Yes; in your judgment go ahead."

And again says:

Ibid.

> The habit of the Company is to inform the chiefs or foremen of the natives, every morning during the working season, of their desire for a certain number and certain kind of skins. These men go to the natives, and arouse them from their slumbers.

CAPTAIN BRYANT, 1876.

Captain Charles Bryant, who was on the Pribyloff Islands as a Special Agent, from 1870 to 1877, before the Congressional Committee in 1876, in answer to the question—

H. R., 44th Cong., 1st Sess., Report No. 623, p. 96.

> Who has the direction of the natives in their work, the agent of the Company?

said:

> No; their chiefs. In killing the seals the agent of the Company directs the chief, saying to him that he wants him to go ahead
> 286 and kill seals as fast as he can. . . . . When the seals are on the ground the agent of the Alaska Commercial Company stands by the herd while they are being killed, and, after the chiefs have selected such seals as they consider prime they ask the agent of the Company if there are any more in that lot which he wants. If he chooses any of the others, they kill them.

MR. J. MOULTON, 1877–85.

Mr. Jacob Moulton, Special Treasury Agent at the Seal Islands from 1877 to 1885, reports that—

H. R., 50th Cong., 2nd Sess., No. 3883, p. 251.

> the agents of the Company have the killing in charge. The killing is done by the natives, and the agents have charge necessarily.

MR. TAYLOR, 1881.

Mr. W. B. Taylor was a Special Agent of the Treasury Department on St. George Island in 1881, and says of the natives:

Ibid., p. 52.

> These people are absolutely in their [the Company's] charge, that is, in regard to their care and comfort.

MR. GLIDDEN, 1882–85.

Mr. H. A. Glidden, a Special Agent of the Treasury Department at the Pribyloff Islands from 1882 to 1885, in answer to the question—

> And then at the killing-ground who superintends the selection of those to be killed?

H. R., 50th Cong., 2nd Sess., No. 3883, p. 20.

says:

> They are there huddled up, and then they are separated, about fifty at a time—coralled as it were—and the Superintendent of that [the separating] is one of the employés of the Company.

H. W. Elliott, in H. R., 44th Cong., 1st Sess., Report No. 623, p. 20.

MR. CLARK, 1884–89.

One of the witnesses quoted in the Case of the United States, Mr. H. N. Clark, gives the following evidence, from which it clearly appears that he, as a Company's officer, was personally in charge of the sealing and natives conducting it:

> From 1884 to 1889, inclusive, I was in the employ of the Alaska Commercial Company of San Francisco, on St. George Island, Alaska, engaged through each sealing season as boss of a gang of seal-hunters, and in the winter excepting that of 1886 and 1887 as teacher and storekeeper on the island. My work as the leader of the sealing gang gave me as perfect opportunity as could be had for studying the habits and peculiarities of the seal and determining the best manner of caring for them.

United States Case, p. 148; Appendix, vol. ii, pp. 158, 159.

THE COMPANY'S AGENTS EXERCISED SIMILAR CONTROL OF KILLING IN 1892.

Mr. Macoun, also, reports that all work connected with the choice of hauling-grounds from which seals should be driven, the driving of the seals to the killing-ground, and the selection there of those that were to be killed, was done by the agents of the Company, or the natives acting under their instructions, during the season of 1892, when he was on the islands.

Appendix, vol. i, p. 152.

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CHAPTER XVI.

Management of the Pribyloff Islands by Russia and by the United States—(continued).

INADEQUACY OF PROTECTION: RAIDS.

The United States Contentions.

(1.) United States Case, p. 174—

"Raids upon the rookeries, or the unlawful killing of seals on the islands by unauthorized persons, though injurious to seal life, have played no important part in the history of the rookeries, and the few thousand skins thus secured never affected the number of the seal herd to any extent."

(2.) United States Case, pp. 174, 175—

"The 'raid theory,' therefore, may be dismissed as unworthy . . . . . of serious consideration. . . . . If other raids had taken place besides these, the fact would have certainly been known on the islands."

(3.) United States Case, p. 175—

"A further evidence of the infrequency of such marauding is further shown by the affidavit of Mr. Max Heilbronner, Secretary of the Alaska Commercial Company, as compiled from the records of said company, and the statement compiled by the Treasury Department from the reports of their agents during American occupation, there being but sixteen such invasions reported. If other raids had taken place besides these, the fact would have certainly have been seen on the breeding-grounds in the shape of dead carcasses of pups and other seals."

Summary of British Reply.

The protection of the Pribyloff Islands against the operations of "raiders," unlawfully killing seals upon the islands, has been inadequate, if not wholly inefficient; and the consequent damage to seal life upon these islands has been very great.

The Reports of Agents, whether those of the Government or the Company leasing the islands, are practically unanimous to this effect. Though vessels were known, at least as early as 1873, to be engaged in raids, no Government vessel was sent to protect the islands from raids till 1877; and, thereafter, as lately as 1888, it is shown that a single vessel was charged with the whole patrol duty in Behring Sea, and that this vessel spent most of the time hundreds of miles to the north of the Pribyloff Islands, looking after the whaling interests.

The Pribyloff Islands have throughout been utterly defenceless, and Captain Abbey, U. S. R. M., reported in 1886 that twenty men might carry away the whole catch of seal-skins from the islands, and similar evidence exists of the inadequate protection of the rookeries up to the year 1892.

The defective knowledge as to the number and character of such "raids" possessed by the Company leasing the islands and by the Government of the United States, in itself affords proof of the insufficiency of protection.

289 In the Case of the United States, it is attempted to minimise the frequency of raids with their attendant consequences on the Pribyloff Islands. Statements are further quoted in support of the assertions that raiding must be so difficult, and the chances of detection so many, that it is necessarily very seldom practised.

The contention thus advanced forms part of a general defence of the methods employed on the Pribyloff Islands, which is made the preliminary to the assertion that the killing of seals at sea is the sole cause of the decrease in numbers observed on the islands.

ALL AUTHORITIES CONCUR IN CHARACTERIZING PROTECTION OF PRIBYLOFF ISLANDS AS INEFFICIENT.

It requires, however, only a reference to the various official Reports of the United States Government to find, that however diverse the opinions expressed by those who have held official positions on the Pribyloff Islands, whether under the Government or under the Company, they are almost completely in accord in stating that the measures taken to protect the islands have been insufficient from first to last. In a large proportion of these Reports, and in evidence given at various times, this insufficiency of protection has in fact been a chief subject of complaint. To substantiate this statement a few particulars will be given, and some specific complaints from among many cited.

EARLY INSTANCES OF SUCCESSFUL RAIDING UNDER UNITED STATES MANAGEMENT.

The excessive slaughter of seals on the Pribyloff Islands by men who were virtually raiders in 1868, is elsewhere alluded to. Numerous vessels are known to have engaged in raiding these islands as early as 1873, some years after the date at which, according to the United States Case, efficient possession and control of the islands had become assured.

Mr. H. W. Elliott may be quoted as authority on this point, and to establish the fact that not until 1877, and then only as the result of his own persistent endeavours to that end during four years, was a revenue-cutter detailed for the purpose of giving a certain measure of protection to the rookeries as against these raiders.

United States Case, p. 133 *et seq.*

DIFFICULTY IN INDUCING UNITED STATES GOVERNMENT TO SEND REVENUE-CUTTER FOR PROTECTION.

Mr. Elliott's statements are contained in his official Report, published by the Government, and are as follows:

Early in 1873 it became well known on the Pacific coast that the officers of the law on the seal islands had no means of enforcing the Regulations protecting the seal life on the same or in waters adjacent; hence, a number of small craft, fitted out at San Francisco and
290 contiguous ports, which cleared for the North-west coast and the Aleutian Islands on "fishing ventures;" but, in reality, these vessels proceeded directly to the waters and rocks adjacent to the seal islands, where, in plain sight of the village on either islet, they shot the swimming seals with assumed indifference and great affectation of legality!

United States Census Report, pp. 167, 168.

NO SUCH PROTECTION TILL 1877.

In order, therefore, that this plain violation of law and its disastrous consequences should be effectually punished, and evaded, I published, and personally urged in 1874–77 the urgent need and great propriety of enabling the responsible Agents of the Government on the Pribyloff Islands, to enforce the law as well physically as it could be done theoretically; and pointed clearly then to the advantage and effect which a revenue marine cutter would have, employed for this purpose. By repeated and untiring appearance before the Committee on Appropriations in the House and Senate, I finally secured the legal authority and the money for the object in view. And the late Captain Bailey, in the "Richard Rush," made the first cruize in the season of 1877, that had been properly ordered and sustained by the Government toward the direct protection of the seal islands, and its valuable property thereon since 1869.

AGENT W. B. TAYLOR ON POWERLESSNESS TO PROTECT IN 1881.

Mr. W. B. Taylor, Assistant Government Agent on the Pribyloff Islands in 1881, says:

H. R., 50th Cong., 2nd Sess., Report No. 3883, pp. 54–58.

These vessels will take occasion to hang around the islands, and when there is a heavy fog to go on the rookeries very often. . . . The Government Agents there are utterly powerless to prevent the killing of seal, or to protect them in any way.

And, further, in speaking of the single revenue-cutter, says:

They never happen to be there when needed, and as far as their rendering any service whatever is concerned, they were practically useless so far as the Seal Islands were concerned. That has been the experience, I believe, of all who have been there.

The same gentleman further says:

Ibid., p. 64.

A man that was desperate enough to take chances, and knew the situation, I do not think it would be at all a difficult job to load a schooner. If I wanted to make an outlaw of myself I could take all the skins I wanted, and not have any trouble at all.

Mr. Louis Kimmel, Assistant Treasury Agent on St. George Island from May 1882 to August 1883, after describing a raid, says:

Ibid., p. 271.

It [seal life] ought to be more protected by having revenue-cutters. At that time there was only one revenue-cutter, only there once a-year.

291 AGENT H. A. GLIDDEN COMPLAINS OF RAIDS IN 1882–85.

H. R., 50th Cong., 2nd Sess., Report No. 3883, pp. 26–28.

Mr. H. A. Glidden, Government Agent in charge of the Pribyloff Islands from 1882 to 1885, in giving evidence before the Congressional Committee on the Fur-seal Fisheries of Alaska, states that to watch marauders, *i. e.*, trading vessels buying or stealing skins on the mainland or coast along the Aleutian Islands, was more trouble than anything else. Glidden further says that no revenue-cutter was kept at the islands in these years, though in every Report he made he recommended that this should be done.

AGENT WARDMAN POWERLESS IN 1883.

Mr. Wardman, Assistant Government Agent on St. George, in 1883, was absolutely without any means of dealing with or seizing a sealing-vessel boarded by him when at anchor there. He further speaks directly in his evidence of the inefficiency of the protection, and the fact that the revenue-cutter was often away from the islands at the very time she was required there. Ibid., pp. 34, 35, 38, 39.

AGENT RYAN ON INEFFICIENT PROTECTION IN 1887.

Mr. T. F. Ryan, Assistant Government Agent on St. George Island from 1885 to 1887, states that he had a great deal of trouble in protecting the rookeries from parties landing on them. He complains of the inefficiency of the service of protection by the revenue-cutters, but believes that one vessel properly managed would serve to protect the islands. Ibid., pp. 211, 212.

MR. T. MORGAN, AGENT OF THE COMPANY, 1888.

Mr. T. F. Morgan, an agent of the Alaska Commercial Company, with long experience of the Pribyloff Islands, in giving evidence before the Committee of Congress in 1888, speaks of raids upon the rookeries in several seasons, and states that by taking advantage of circumstances it would not be difficult to load a schooner with skins there. Ibid., p. 64.

MR. G. A. WILLIAMS, MANAGER OF THE COMPANY, 1888.

Mr. G. A. Williams, one of the managers of the Alaska Commercial Company, also, in 1888, states that the protection accorded to the Pribyloff Islands was insufficient; that there had been increased depredations annually upon the rookeries; and that the revenue-cutter was frequently absent during the greater part of the sealing season. Ibid., p. 106.

AGENT G. R. TINGLE, 1885–89.

Mr. G. R. Tingle, Government Agent on the Pribyloff Islands from 1885 to 1889, before the Committee of Congress, in 1888, said:

> When I took charge of the islands they were practically without protection. The Government had one cutter to cruize in Bering Sea and the Arctic Ocean. She merely called at the fur-seal islands, took a look at us, cruized round us and then went on up to the Arctic, remaining there all summer and then came down in the fall, calling at the seal islands, took another look at us and then left for San Francisco. Ibid., p. 164.

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CAPTAIN ABBEY ON INEFFICIENT PROTECTION.

Captain Charles A. Abbey was, in 1886, in command of the United States revenue-cutter "Corwin." He was

engaged that year in protecting the seal rookeries, and says:

H. R., 50th Cong., 2nd Sess., Report No. 3883, pp. 248, 249.

There is no reason why the catch at the seal islands cannot be stolen any day, if anybody is disposed to. I believe I could take a vessel with twenty good men and go there and steal the whole catch and go away with it. There is more than a million dollars' worth of sealskins at the mercy of any marauder, and has been for years.

MR. W. PALMER, 1890.

In a paper read before the Biological Society in Washington, Mr. W. Palmer, as the result of his investigations in 1890 on the Pribyloff Islands, speaks as follows regarding the inefficiency of the protection accorded to these islands:

"Forest and Stream," October 29, 1891.

Sealers have no doubt about the fate that would be their lot if caught poaching on the Commander Islands, or within 3 miles of their shores, and accordingly have given them a wide berth, but they have heretofore done as they pleased about the Pribyloff Islands, and even on the rookeries. In the absence of the revenue-cutters the islands are utterly defenceless, and liable at any time to be raided.

AGENT A. W. LAVENDER IN 1890.

In an official Report, dated the 24th October, 1890, and written from St. George Island, Assistant Agent A. W. Lavender writes as follows respecting the inadequate means available for protecting the rookeries:

British Case, Appendix, vol. iii, "United States No. 2 (1891)," p. 50.
United States Senate, 51st Cong., 2nd Sess., Ex. Doc. 49, p. 33.

I have again to request you to do your best to obtain arms and ammunition for these islands, and hope that you will be able to secure them, for without them the rookeries cannot be protected in a proper manner. The old rifles that answered for the protection of the rookeries belong to the natives, and are of but little use. In addition to the five rifles owned by the natives, the Company has found small Colt's rifles and one large Sharp's, with very little ammunition for any of them.

REMARKS ON INADEQUATE PROTECTION BY BRITISH COMMISSIONERS.

After quoting much evidence respecting raids, the British Commissioners write:

British Commissioners' Report, paras. 761, 763.

It will thus be seen that raiding on the Pribyloff Islands has been carried on persistently at least since 1868, and that from that date the authorities have known of the raids, and from the earliest time urgently demanded precautions in prevention. . . . . In short, under present regulations and arrangements, there is no difficulty or danger whatever to vessels raiding along shore any night, or in any of the frequent fogs at several of the best rookeries, except when a revenue-cruizer chances to be close by, an occasional occurrence well known to every marauding schooner. 293

The British Commissioners add:

British Commissioners' Report, para. 765.

It may be pointed out that in no case yet has it been shown or proven that any British vessel ever engaged in raiding on the Pribyloff Islands.

GREAT INJURY CAUSED BY RAIDS.

They further allude to the very injurious results of raiding, writing:

Ibid., para. 762.

It is by far the most destructive form of sealing, combining all the disadvantages and none of the advantages of the other forms. The killing is chiefly of breeding females, as the raiders cannot penetrate far enough inland to obtain the young bachelors or immature female seals.

Thus, the skins they obtain are those of females, which are either still with pups or are suckling their young. Moreover, the process implies disturbance of the breeding rookeries, the scaring of the seals during their breeding time, male, female, and young, and the stampeding of whole rookeries, whereby, without doubt, there ensues that great killing of helpless pups which we have already reported we observed in certain rookeries.

See also United States Case, Appendix, vol. ii, p. 217.

ABSENCE OF PROPER PRECAUTIONS IN 1892.

That the protection from raids has not been materially improved even in 1892 is shown by the fact mentioned by Mr. Macoun, that there were no guards stationed at rookeries on St. Paul Island except at North-east Point, and that after the middle of August the telephone line connecting this place with the village was continuously out of order. The only rookery on St. George Island on which there was a guard was Zapadnie, and there the guard consisted of an Aleut man and a boy.

Appendix, vol. i, pp. 153, 154.

TWO LISTS OF RAIDS IN UNITED STATES CASE DO NOT CORRESPOND, AND BOTH ARE INCOMPLETE.

The statistics furnished in the Case of the United States on this subject comprise lists compiled by the United States Treasury Department and by Mr. M. Heilbronner, Secretary of the Alaska Commercial Company. It so happens, however, that these lists in themselves afford an excellent index of the exceedingly imperfect knowledge of both the Government and the Company as to the actual frequency of raids upon the islands. The Treasury Department list
294 records eleven raids only, between 1874 and 1889, both years inclusive; while the Company's list shows no more than six raids in the same period, and one of these is not enumerated in the Treasury list. The list of detected raids here subjoined shows about thirty in the same years, of which fifteen are recorded in various official Reports to the United States Government.

United States Case, Appendix, vol. i, p. 519; and Appendix, vol. ii, p. 29.

LIST OF ACTUALLY RECORDED RAIDS FROM 1874 TO 1891.

The following list, however, merely includes known raids since 1874:

1874.—Raid of "Cygnet" on Otter Island, 30th August, 1874.—(Wm. J. McIntyre, H. R., Ex. Doc. No. 83, 44th Congress, 1st Session, p. 129.)

Raid of "Cygnet" on St. George Island, 1st September, 1874.—(Wm. J. McIntyre, H. R., Ex. Doc. No. 83, 44th Congress, 1st Session, p. 125.)

1875.—"San Diego" raided Otter Island in 1875 and took 1,600 skins.—(United States Case, vol. i, p. 519.)

"Cygnet" raided St. George Island, 1875.—(Report of British Commissioners.)

1876.—"Cygnet" and "Ocean Spray" raided Otter Island 21st June, 1876.—(Report of British Commissioners.)

1877.—In 1877 the "Industry" is recorded to have touched at St. George Island for the purpose of taking seals. (Report upon Alaska and its people. Bailey, p. 13.)

1880.—Great East Rookery, St. George Island, raided 1880.—(Webster in Report of British Commissioners, paragraph 742.)

1881.—Otter Island raided between April and August 1881. [Taylor reached island in April and left in August.] (W. B. Taylor in H. R. Report No. 3883, 50th Congress, 2nd Session, pp. 54, 109.)

St. George Island raided the 1st September, 1881.—(George Wardman in H. R. Report No. 3883, 50th Congress, 2nd Session, p. 39.)

"Otter" raided St. George Island in October 1881.—(Appendix to Case of the United States, vol. i, p. 519, and vol. ii, p. 29.)

1882.—East Rookery, St. George, raided in 1882.—(Louis Kimmel, H. R. Report No. 3883, 50th Congress, 2nd Session, p. 271.)

Appendix, vol. ii, p. 47. Captain Folger says, in his affidavit, that the schooner he commanded and another anchored off St. Paul Island from June until September, running in and raiding the rookeries whenever the weather permitted. These vessels were probably those referred to by

Ibid., p. 73. Captain Miner when he says: "I have frequently heard of raids being made on the Pribyloff Islands. In 1881 or 1882 two

295 schooners anchored to the northward of St. Paul for nearly the whole summer. They were the 'Otter' and 'Alexander,' vessels owned by Liebes and Co. The captains of their vessels told me so themselves."

1883.—Schooner boarded off St. George Island the 10th October, 1883; 300 skins were on board.—(George Wardman, H. R. Report No. 3883, 50th Congress, 2nd Session, p. 34.)

Vessel loaded with seals captured at St. George Island while the crew were ashore.—(Glidden [1882-1884], H. R. Report No. 3883, 50th Congress, 2nd Session, p. 28.)

1884.—"Adele" seized in 1884, when raiding a rookery.—(United States Case, vol. ii, p. 519.)

Raid on Zapadnie Rookery, St. George Island, the 10th October, 1884.—(Appendix to Case of United States, vol. ii, p. 29.)

1885.—In 1885, Webster found that men had camped ashore at St. George Island.—(Report of British Behring Sea Commissioners, paragraph 751.)

June 1885, 500 seals were killed before vessel detected.—(Appendix to Case of the United States, vol. i, p. 519.)

In 1885, three schooners were captured at Otter Island: one, the "Adele," by Webster, Lieut. Lutze, and two men.—(Report of British Behring Sea Commissioners, paragraph 751.)

Starry Arteel Rookery, St. George Island, raided, and 600 seals killed "several years ago."—(Morgan, H. R. Report No. 3883, 50th Congress, 2nd Session, p. 64.)

20th July, 1885, 600 or 700 seals were killed on St. George Island.—(Appendix to the Case of the United States, vol. i, p. 519.)

20th July, 1885, 500 pups and 500 females killed on St. George Island.—(Appendix to the Case of the United States, vol. ii, p. 29.) [This probably refers to same raid as two first preceding references.]

Raid on St. George Island in 1885 or 1886; 112 seal-skins found by T. F. Ryan.—(H. R. Report No. 3883, 50th Congress, 2nd Session, p. 212.)

At Starry Arteel, a raid was made the 22nd July, 1885; 120 seals and 200 pups were killed.—(Appendix to Case of United States, vol. ii, p. 29.)

1886.—Attempted raid on St. George Island 1886.—(Tingle in H. R. Report No. 3883, 50th Congress, 2nd Session, p. 174.)

In 1886, Morgan found carcasses of 800 female seals on shore.—(Report of British Commissioners, paragraph 752.)

Raid on St. George Island, 8th August, 1886.—(Appendix to Case of the United States, vol. i, p. 519.)

296 "San Diego" captured in 1886 with 574 skins on board, as well as clubs, pup skins, &c., proving raid.—(Tingle in H. R. Report No. 3883, 50th Congress, 2nd Session, p. 175.)

"Look-Out" raided Seal Islands in 1886 and 1887.—(Report of British Commissioners, paragraph 752.)

Raid in autumn of 1886 or 1887 [not the one noted above].—(Morgan in H. R. Report No. 3883, 50th Congress, 2nd Session, p. 90.)

1887.—In 1887, schooner was seen shooting seals in water North-east Point, 18th, 21st and 25th July.—(Report of British Commissioners, paragraph 753.)

1887.—"Angel Dolly" captured near Otter Island the 28th July, 1887.—(H. R. Report No. 3883, 50th Congress, 2nd Session, p. 332.)

Steam-schooner shot at from North-east Point, 4th August, 1887. Seized by "Rush," and proved to be "Kate and Anna."—(Report of British Commissioners, paragraph 753.)

Starry Arteel Rookery, St. George Island, raided in August 1887. Signs found by Webster.—(Report of British Commissioners, paragraph 753.)

Raid on Reef Rookeries, St. Paul Island, 1887. 4,300 seals taken.—(Tingle in H. R. Report No. 3883, 50th Congress, 2nd Session, p. 166.)

In 1887, Webster heard boats shooting close to shore.—(Report of British Commissioners, paragraph 753.)

"Angel Dolly" raided St. George Island in July 1887.—(Appendix to Case of the United States, vol. i, p. 519.)

1888.—In 1888, schooner anchored at South-west Bay and sent boats ashore.—(Report of British Commissioners, paragraph 754. United States Case, Appendix, vol. i, p. 520.)

1889.—In 1889 the "Angel Dolly," "Allie Algar," and other vessels raided St. George.—(Report of British Commissioners, paragraph 755.)

Raid on St. George Island in September 1889.—(Appendix to Case of the United States, vol. i, p. 520, and vol. ii, p. 29.)

The "Edward Webster" raid on St. George Island in 1889. "The captain told me of this himself." Miner's evidence, Appendix, vol. ii, p. 73.

1890.—Vessel reported killing seals near shore in August 1890.—(Report of British Commissioners, paragraph 756. United States Case, vol. i, p. 520.)

September 15, 1880.—Six boats' crews landed at Zapadnie, and killed about 180 seals.—(Appendix to Case of the United States, vol. i, p. 520.)

November 1890.—"Adele" raided seal rookeries.—(Appendix to Case of the United States, vol. i, p. 520.)

297 In 1890 in September the "G. R. White" made a raid on the islands, and from what I was told by the men on board of her, nothing was known of it on the islands.* Ibid.

Several raids or attempted raids in St. George in 1890.—(Report of British Commissioners, p. 757.)

"Challenge" raided rookery on St. George Island 17th November, 1891.—(Appendix to Case of the United States, vol. i, p. 520.)

"Borealis" raided rookeries on St. Paul 27th November 1891, and evidence is forthcoming from men who took part in the raids to show that at the time a cutter was anchored at the village, her lights in sight. The raid was made upon South-west Bay.—(Appendix to Case of the United States, vol. i, p. 520.) Appendix, pp. 183–185.

NUMBER OF UNDETECTED RAIDS CANNOT BE ESTIMATED.

It is hard to form an estimate of the number of undetected raids; but the facts previously given with those now mentioned indicate that it must have been very great.

CONNECTION OF H. LIEBES AND CO., WITH RAIDS AND WITH NORTH AMERICAN COMMERCIAL COMPANY.

It is further noteworthy that the firm of H. Liebes and Co., of San Francisco, of which Mr. Isaac Liebes, the present President of the North American Commercial Company, is a member, have owned two vessels, the "Otter" and the "Alexander," which are well known to have persistently raided the rookeries on both the Pribyloff and Commander Islands.

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*As to raids of "George R. White," "Daniel Webster," "Mollie Adams," "Adele," and "Look-Out," see affidavits of C. J. Kelly, p. 169; Wm. Petit, p. 171; W. E. Baker, p. 174; C. N. Cox, p. 177; Theo. Magnesen, p. 179, in British Case, Appendix, vol. iii. "United States, No. 3 (1892)."

CHAPTER XVII.

Management of the Pribyloff Islands by Russia and by the United States—(continued).

CONDITION OF THE NATIVES.

The United States Contentions.

(1.) United States Case, pp. 140, 141—

"The improvement in the condition of the natives of the Pribilof Islands is one of the marked features of the benefit which has resulted from the management of these islands under the system adopted in 1870 by the Congress of the United States."

(2.) United States Case, p. 141—

"When the United States assumed control of the Territory of Alaska the condition of these natives was wretched in the extreme, the Russian-American Company having neglected their welfare, and forced them into practical slavery."

(3.) United States Case, pp. 144, 145—

". . . . The management of the Pribilof Islands by the United States has raised the inhabitants in a few years from a state of ignorance, wretchedness, and semibarbarism, which seventy years of the Russian Company's occupation had failed to alleviate, to a condition of liberty and civilization, which Europe and America need not feel ashamed to find among their citizens.

"The civil government of the islands is provided for by sections 1973–1976 of the Revised Statutes of the United States, under which the Agent and his assistants are practically the Governors of the islands. They have the entire control of the natives, protect them from the impositions of the lessees and agents, if such are attempted, and see that the supplies required by law for their sustenance are provided."

Summary of British Reply.

The people now resident upon the Pribyloff Islands are not natives properly so-called, but Aleuts, or the descendants of Aleuts, imported for the purpose of killing seals and curing the skins. The islands were uninhabited when discovered by the Russians; and the number of so-called natives is now so small that provision may easily be made for their support, irrespective of any questions relating to the sealing industry.

The condition of the native inhabitants of the Pribyloff Islands is, further, by no means so satisfactory as the statements given prominence to in the Case of the United States would indicate. Official Reports show that their advancement towards civilization is small, and their sanitary condition bad.

The treatment accorded to the natives by the Company leasing the islands has throughout been governed by principles of self-interest; and interference by the Government, in the interest of the natives, has been wanting or practically ineffective.

299 ARGUMENTS IN UNITED STATES CASE BASED ON IMPROVEMENT IN CONDITION OF NATIVES.

Special prominence is given in the Case of the United States to statements respecting the improved condition of the natives of the Pribyloff Islands, resulting from the beneficent efforts and conduct of the Government Agents, and those of the Company holding the lease of the islands; and in addition to statements of the character cited above, Messrs. Bryant, McIntyre, and Falconer are further cited to present an extremely favourable picture of the condition and surroundings of the Aleuts living upon the islands. We are, in fact, it would appear, asked to consider the commercial monopoly endeavoured to be sustained by the United States as a philanthropic enterprise, largely justified by an improvement alleged to have been brought about by its means in respect to the so-called natives of the Pribyloff Islands.

United States Case, pp. 142–144.

It is submitted that all the statements above summarized are wholly irrelevant to any question with which the Arbitration is conversant; but as the Government of the United States have imported them into their Case, it is not desired to leave them entirely unnoticed.

FACTS DISCLOSED BY OFFICIAL REPORTS CONTRADICT THE CONTENTIONS IN UNITED STATES CASE.

The notes and quotations from official Reports made to the United States Government, and from other published sources in connection with the general history and nature of the management of the Pribyloff Islands since their cession by Russia, put a very different aspect on the state of affairs there from that set forth in the United States Case.

In addition to incidental remarks already made in connection with other branches of the subject, a few notes specifically referring to the circumstances and treatment of the natives may here be added.

GENERAL DAVIS ON CONDITION OF NATIVES IN 1870.

Major-General Jefferson C. Davis, Commander of the District of Alaska, in his official Report, dated the 20th August, 1870, addressed to the United States Secretary of War, writes:

The natives are peaceful, honest, and capable of transacting ordinary business quite well, and would doubtless improve themselves if they had a fair chance; but their present complete enslavement and robbery, by an unscrupulous ring of speculators, will ever prevent such progress.

Report of Brevet Major-General Commanding Department of Alaska to Secretary of War, August 20, 1870.

DR. W. H. DALL IN 1874.

In August 1874 Dr. W. H. Dall, then in charge of dydrographic surveys in Alaska, in a letter to Messrs.
300 Elliott and Maynard, Government Commissioners to the Pribyloff Islands, writes:

The Russians left these people with their self-reliance enfeebled, but their intelligence and morals elevated to some extent above their original condition. We have done nothing to sustain them in this position, nor to cultivate their self-reliance.

Elliott's "Report on the Condition of Affairs in Alaska," 1875, p. 234.

Ibid., p. 232. Dr. Dall also states in this letter, that the Aleut natives were absolutely dependent upon the Company leasing the Pribyloff Islands for sea-lion skins with which to make their canoes; and that, contrary to the Russian practice, this Company sold such skins to the natives, and restricted the sale to such of the natives as brought furs to them for sale. He adds:

Ibid., p. 234. The description of men who gain their livelihood as fur-traders are, with rare exceptions, unfit to be trusted with absolute power over unresisting natives, notwithstanding the possible high character of the distant heads of the Company who employ them.

He further adds:

ABSENCE OF LAW OR REDRESS.

Ibid., p. 233. There is absolutely no law, no means of protection, no redress for injury for any citizen of the United States, to say nothing of natives. . . . . Suppose some act of gross injustice should occur, in what way would the unfortunate Aleut make his troubles known, if his long experience under the Russians, and disappointed hopes under the various visits of United States officials, had not taught him that the best way was to bear it in silence.

Ibid., p. 237. In respect to the absence of law and any prospect of redress at this time, Mr. Elliott fully concurs with Dr. Dall, though contesting some of his other statements.

Dr. Dall further writes:

Ibid., p. 233. There are no grounds for stating, nor is it my opinion, that the present Company has abused its position more than any other would do in the same case; this, however, is not the question at issue, but whether it is consistent with the honour of the Government and with its duty toward a people who occupy the position of wards of the United States, to leave them in a condition where the grossest tyranny is possible, and where gradual degeneration and relapse into barbarism is certain.

LIEUTENANT MAYNARD, 1875.

Lieutenant W. Maynard, U. S. N., in his Report transmitted in 1875, alludes to one of the matters referred to by Dr. Dall as follows:

H. R., 44th Cong., 1st Sess., Ex. Doc. 43, p. 7. As the Special Agents of the Treasury Department, who are the only representatives of the Government at the islands, have not 301 been invested as yet with any governing power, it seems necessary that some means should be provided for securing to all equal protection in the rights of persons and property. This could be accomplished for the present, at least, by giving them authority somewhat similar to that of a Justice of the Peace, making them responsible to the Secretary of the Treasury for the proper performance of that duty, as they are for that of those with which they are now charged.

AGENT W. B. TAYLOR, 1881.

Mr. W. B. Taylor, who was a Special Agent of the Treasury Department on St. George Island in 1881, says of the condition of the native people at that time:

H. R., 50th Cong., 2nd Sess., Report No. 3883, p. 42. When I landed on St. Paul Island I found that the people were in a very deplorable condition—made so by the frequent and constant use of what is known as quass, a beverage which they brew when they are not molested by the Special Agent of the Treasury. I found that at least one-third the people were in a condition which made it impos-

sible to do what was expected of them by the Company; in other words, there are so many men on the island, and their services are absolutely necessary to carry on all the business and do the seal work; but one-third of them were incapacitated for the reason I have stated. And I charged them, and I charge now, that the Agent who had control over them was directly responsible for it.

AGENT MURRAY, 1890.

Assistant Agent Murray, writing in his Report of St. George Island as late as 1890, says:

British Case, Appendix, vol. iii. "United States No. 2 (1891)," p. 19. United States Senate, 51st Cong., 2nd Sess., Ex. Doc. 49, p. 7.

It would be an impossibility, however, to do much towards establishing a sanitary system of value until we have better water and a more abundant supply than is possible under existing conditions.

The present supply of water for domestic purposes is obtained from a well into which the drainage of half the village finds its way, and the wonder to me is that the people are not constantly sick while they have to use such drinking water. There is a nice fresh-water lake within 2,000 feet of the village, and fully 50 feet higher, from which a constant and never-failing supply of good water can be taken if you can have 2,000 feet of 2-inch pipe and the necessary hydrant and fixings sent here.

A drain is the next essential to success, and one of 700 feet in length can be dug easily; and will suffice to carry all the dirt and offal of the village into the sea. It will be necessary to have 700 feet of 12-inch drain-pipe.

The total absence of water-closets on this island is a disgrace, and is beyond all question the cause of more immorality, disease, and death than all other things combined. That such a state of things has been allowed to exist for twenty years is a disgrace to our civilization, and I do hope you will insist on the present lessees or on the Department to have it altered at once.

302 The subject is so abominable I dare not write it in a public Report.

It is absolutely necessary, too, that at least six of the dwelling-houses be enlarged, as the families now occupying them have not room to live as human beings should. It may be true, as many assert, that under Russian rule the natives were not housed one-half so well as they are now; but such arguments are of no avail in a country like ours. When a family of seven persons, of all ages and sexes, are packed in a sleeping apartment measuring 10 by 10 feet they are not treated right, nor does our Government intend to have such things existing where it has jurisdiction.

The dwelling-houses are badly in need of repairs, and the attention of the local agent, Mr. Webster, has been called to their condition; but as he is to leave the island this year, it may be necessary for you to mention it to the General Manager of the North American Commercial Company.

REMARKS ON ORIGIN AND TREATMENT OF SO-CALLED NATIVES IN BRITISH COMMISSIONERS' REPORT.

The British Commissioners in their Report do not enter at any great length into the question of the condition and treatment of the so-called natives on the Pribyloff Islands. They point out, however, that these people are not in reality "natives" of the islands, but descendants of Aleuts from the Aleutian Islands, brought thither by the Russians, mixed with recent importations from the same islands. They allude also to the fact that the whole number of these people is so insignificant (about 300) as to render the question of the cost and manner of providing for their support one which can scarcely be allowed a place in the discussion of the general questions relating to the condition of the

natives as a whole, or to the measures appropriate for the protection of the fur-seals. They also note that, although the material condition of these people has been improved by the industry of taking seals on these islands, it is difficult to understand on what grounds—

British Commissioners' Report, para. 723.

> the special advantages of a material kind afforded to these particular people as distinguished from others of the same race, and partly at the expense of interference with the rights of hunting of those inhabiting the Aleutian Islands, can be advanced as a valid argument in favour of the perpetuation of a commercial monopoly of fur-sealing.

It is still further stated that—

Ibid., para. 724.

> it is also clear that the so-called natives of the islands, though under ordinary circumstances provided for in certain respects by the 303 lessees according to legal arrangement, have in past times not always been among the first objects of their solicitude. . . .

British Commissioners' Report, para. 725.

> A single instance, to which it happened that our attention was drawn, may be cited for the purpose of showing that the natives, even in recent years, received no more than strictly "commercial" treatment.

The reference here made is to the entirely inadequate allowance of coal given to the natives up to the year 1891, on account of which, and in the absence of other fuel, the people found it necessary to employ their earnings to buy additional coal from the Company at its own price, which was fixed at 30 dollars (6*l.*) per ton.

CHAPTER XVIII.

THE SEAL-SKIN INDUSTRY.

The United States' Contentions.

(1.) United States Case, p. 266—
"Prior to 1870 all the fur-seal skins, save a few thousand, were marketed and sold in China. . . . . A few skins however were purchased in England."
(2.) United States Case, p. 267—
"It was not until the lease of the Pribilof Islands to the Alaska Commercial Company in 1870, and through the united efforts of that Company with C. M. Lampson and Co. that the seal-skin industry received the impetus which has built it up to its present condition."
(3.) United States Case, p. 268—
"The destruction of the Alaskan herd means practically the annihilation of the seal-skin industry of the world. Therefore, the extent and value of this industry, the consequent loss in case pelagic sealing is not prohibited, ... are matters for consideration."
(4.) United States Case, pp. 274, 275—
"It is necessary that the supply should be constant and regular, otherwise there is great danger of loss to the buyers or sellers through fluctuation in prices, and the business of buying and selling become speculative . . . . It is therefore evident that even in case open-sea sealing could be carried on without insuring the destruction of the herd, the results would demoralize and practically ruin the seal-skin industry, now so firmly established."
(5.) United States Case, p. 281—
"It is very questionable, however, whether there is any real investment in Canada in pelagic sealing.
(6.) United States Case, p. 298—
"That the investment of these adventurers in pelagic sealing is speculative, generally unprofitable, and, when compared with the seal-skin industry of Great Britain, France, and the United States, which is dependent upon this seal herd, very insignificant; and that the profits, if any, resulting from pelagic sealing are out of all proportion to the destruction that it produces."

Summary of British Reply.

The fur-seal business, prior to 1870, constituted a considerable part of the fur trade of Great Britain.
The existence of pelagic sealing does not necessarily occasion an irregular supply of skins. The principal fur merchants are practically unanimous in opposing the suppression of pelagic sealing.
The capital permanently invested by Canada in the sealing industry exceeds the capital so invested by any other country.

The propositions sought to be established in the Chapter of the United States Case from which the above citations are taken would appear to be the following:

305 I. That there is a distinctive and separate fur seal-skin industry, and that this industry, so far as Great Britain is concerned, was prior to 1870 insignificant and was in that year established through the united efforts of the Alaska Commercial Company and their agents in London.

II. That pelagic sealing produces an irregular supply which is ruinous to the industry.

III. That there is little capital invested in Canada in pelagic sealing; and that, compared with the fur-seal industries of Great Britain, France, and the United States, the Canadian industry is scarcely worth consideration.

NO SEPARATE INDUSTRY, EXCEPT AT SOURCES OF SUPPLY.

As regards the first proposition, no doubt the persons actually engaged in capturing the seals at the sources of supply form a separate and distinctive industry, more directly interested than all others in the questions at issue; but, except in this sense, it is submitted that neither in Great Britain, nor in the United States, nor in other countries, is there what can properly be called a separate and distinct fur-seal industry.

The circumstances in Great Britain will suffice to demonstrate that this statement is correct.

United States Case, p. 272. It is stated in the United States Case that there are employed in the fur-seal skin industry in Great Britain from 2,000 to 3,000 persons, who would be compelled to learn other trades in case the industry were to fail. If such failure were possible, it is denied that any such result would follow.

Including brokers, dyers, dressers, merchants, furriers, wholesale and retail, and their respective employés, there are at least a number of persons above mentioned engaged in the fur-seal skin business; but they are not so occupied exclusively, nor are they absolutely dependent upon the fur-

Appendix, vol. i, p. 248. seal skin business. But a very small part of the above classes are at any time entirely occupied with or dependent upon the business connected with fur-seal skins, all of them being concerned at the same time with furs and skins of other descriptions.

SEAL-SKIN BUSINESS PART OF GENERAL FUR TRADE.

The fur-seal skin business forms no doubt a considerable part, but still only a part, of the whole fur trade of Great Britain. Its relative position to the whole fur trade

306 may be roughly gauged by comparing the total sums realized by sales of all raw furs and skins in London with those realized by fur-seals. It is estimated that furs of all descriptions sold in Great Britain realize annually

United States Case, Appendix, vol. ii, p. 561. over 1,200,000*l.*, and the total sales of fur-seal skins (taking for example 1887) amount to about 450,000*l.*, so that the seal-skin industry composes in point of value less than 38

per cent. of the total fur trade of Great Britain. Of this 450,000*l.*, at least 170,000*l.* represents seal-skins derived from other sources of supply than the Pribyloff Islands, so that it will be seen that the value of the seal-skins coming from the Pribyloff Islands does not exceed 24 per cent. of the whole fur trade of Great Britain.

As regards the amount of the total labour bill to be apportioned to seal-skins, it should be remembered that other furs, being for the most part cheaper, are more numerous than seal-skins proportionately to their respective prices, and therefore would, as a matter of fact, require more hands to deal with them.

CAPITAL FOR MOST PART NOT SUNK IN BUSINESS.

It should also be borne in mind, with reference to the large capital engaged in the business, that so far as brokers, merchants, and wholesale and retail furriers and dressers are concerned, their capital is not in any way sunk in the business, but is only temporarily embarked in it from year to year, and is not permanently invested, as the capital of the Canadian schooner owners is invested.

Should the seal-skin trade diminish, either through change in fashion or scarcity of supply, other furs would no doubt be made fashionable in their stead, and furriers would at once, without loss or difficulty, transfer their capital to them.

This is also true, to a lesser degree, of the dyers engaged in the business, whose plant would, to some extent, be available, provided the new skin made fashionable was one which required dyeing.

It is, therefore, obvious that apart from those engaged in the actual capture, there cannot be said to be a separate and distinct fur-seal industry in the sense suggested by the United States, but that the trade in seal-skins forms in truth but one portion of a larger and more important industry.

THE SEAL-SKIN BUSINESS EXISTED IN ENGLAND PRIOR TO 1870.

307 The contention, that the seal-skin business in Great Britain owes its existence to the efforts of the Alaska Commercial Company and their London agents, is no doubt advanced by the United States in order to base upon it a claim to priority of consideration for the United States interest.

The contention is, however, it is submitted, quite erroneous, and is disproved at once by a reference to the Tables given in the Appendix, which are summarized hereunder, clearly showing that the seal-skin industry has, at all

Appendix, vol. ii, p. 254.

events from an early date in the present century, formed a most important portion of the London fur trade:

Year.	Annual Total of Quantities offered for Sale in London.	Annual Average of Quantities on Basis of Ten Years.
1827	77,120	
1828	74,946	
1829	72,691	
1830	56,185	
1831	36,740	
1832	40,421	48,371.5
1833	36,239	
1834	32,223	
1835	27,168	
1836	29,982	
1837	32,497	
1838	37,137	
1839	28,727	
1840	36,533	
1841	29,053	
1842	26,682	29,155.2
1843	27,946	
1844	26,548	
1845	24,260	
1846	22,169	
1847	20,405	
1848	24,762	
1849	32,313	
1850	30,471	
1851	27,832	
1852	35,923	32,444.6
1853	30,396	
1854	41,799	
1855	48,465	
1856	32,080	
1857	35,404	
1858	40,102	
1859	37,620	
1860	34,137	
1861	41,777	
1862	46,141	47,471.3
1862	46,493	
1863	63,451	
1864	63,161	
1865	66,427	
1866	58,163	
1867	121,217	
1868	206,742	
1827 to 1869	1,960,548	

308 The above Summary does not include sales by private contract, except those made through Messrs. Oppenheim. No figures as to other private sales are available, although no doubt they must have been considerable.

The second contention above advanced by the United States in favour of the suppression of pelagic sealing is that it produces an irregular supply, which is an undesirable circumstance for the fur trade, as it causes uncertainty and consequent speculation.

PELAGIC SEALING DOES NOT OCCASION IRREGULAR SUPPLY.

The admissibility of this plea in the decision of a question like the present, even if it were correct, is denied. But it is not correct. No doubt, in the last few years the variation in the supply and price has been considerable, but this

is due to the result of the operation of the *modus vivendi*, and to exaggerated rumours of all descriptions circulated in connection with the present Arbitration and the antecedent negotiations. When these elements of uncertainty pass away, there is no conceivable reason why the seal-skin supply should not continue to be as even and constant as that of any other of the numerous furs dealt with in the trade. That the fears expressed are not shared by the fur traders of Great Britain and France is proved by the fact that, with the exception of the agents of the North American Commercial Company, and their partners in trade, Messrs. Martin and Sons, those engaged in the seal-skin business of Great Britain, and also the firm of Messrs. Révillon, of Paris, who do a business of 4,000,000 fr. a-year in seal-skins, are practically all agreed in stating that they are not in favour of the proposal that pelagic sealing should be suppressed. These men of business may be presumed to know their own interests, and they dread the existence of a monopoly which the proposed suppression of pelagic sealing might tend to create.

Appendix, vol. ii, pp. 230–253.

The third contention is, that there is little or no capital invested in the Canadian pelagic industry, and that, compared with fur-seal industries in other countries, the Canadian industry is scarcely worth consideration.

The value of the Canadian fleet.

In advancing this contention, the Case of the United States throws doubt upon the official Returns as to
309 the value of the Canadian fleet, made by Mr. Milne, Collector of Customs at Victoria, for the years 1889 and 1890, because the total value of the fleet and its value per ton in the year 1890 are in excess of those given for the year 1889. And the remark is made that it is difficult to see how the wear and tear of a vessel can appreciate its value.

United States Case, p. 276.

It will be seen, however, on an examination of the documents in question, that in the year 1890 the number of the fleet had considerably increased, and not only this, but the new vessels added are of a higher class and of a much more costly description.

The fact is, that each year competition produced its natural results. Owing to the demand for their services, skilled hunters became particular in selecting vessels in which they would serve, and they declined to go to sea in vessels which did not contain what they considered adequate accommodation and equipment. Also, the desire to obtain a better price for the skins caused the owners to construct the new vessels so that they should afford greater facilities for flaying and salting. These improved methods have had no doubt an important effect in enhancing the value of north-west skins.

Appendix, vol. ii, p. 265.

Mr. Milne's figures for the year 1889 are practically confirmed by Mr. T. T. Williams, a gentleman chiefly cited by the United States on the question of the value of the Canadian fleet, and he further testifies to Mr. Milne's honesty and correctness. It is true that he differs from Mr. Milne

United States Case, Appendix, vol. ii, p. 500.

in the total of his values for that year, but the difference is not very considerable, and there is no reason for supposing that Mr. Williams, a San Francisco journalist, is on this point a better authority than Mr. Milne, who is an expert in such matters.

PRESENT VALUE.

British Commissioners' Report, pp. 106 *et seq.*

As regards the actual value of the fleet at the present time, the Canadian Fisheries' Report estimates the value for 1891 at 425,150 dollars, and the British Commissioners at 359,000 dollars. As, however, the tonnage increased from 3,261 tons in 1891 to 4,550 tons in 1892, the present value of the fleet on the basis of these two estimates would be about 572,908 dollars and 483,768 dollars respectively.

Appendix, vol. ii, pp. 215–219.

It is now, however, possible to replace these estimates by more exact figures. It will be seen that sworn statements have been obtained from the owners of all the 310 Canadian schooners, and the results will be found set out in a Table in the Appendix. The following is a Summary of the Table:

Year.	Total Tonnage of Fleet.	Total Value.	Total Value of Outfit.	Average Value per Ton of the Fleet.	
				On the Basis of the Value.	On the Basis of the Value *plus* the Value of the Outfit.
1891	3,261.87	$365,100	$194,728	$111.93	$171.63
1892	4,550.48	507,700	272,109	111.57	171.37

VALUE OF UNITED STATES FLEET.

In this connection it is worthy of note that an estimate of the value of the pelagic fleet of the United States for 1889 is given in the United States Census Bulletin, No. 123, 1891, and from this it appears that the value per ton, including outfit, is 160 dol. 54 c. This would tend to show, when the improved schooners of higher value, built in 1889, 1890, and 1891, are taken into account, that the value of 171 dol. 63 c. is not excessive.

The capital thus permanently sunk by Canada in the industry compares favourably with the capital similarly invested by Great Britain and by the United States. The capital permanently invested in London is represented by certain permanent plant, estimated by the United States at 80,000*l.* (400,000 dollars). The capital similarly engaged in the United States amounts to 100.000*l.* (500,000 dollars), but of this about 60,000*l.* (300,000 dollars) represents capital invested by United States citizens in pelagic sealing, and only the balance of 40,000*l.* (200,000 dollars) is employed on or in connection with the islands. To the above-mentioned sum of 40,000*l.*, an addition no doubt must be made to cover the permanent plant of dyeing works in the United States, but as only a few thousand skins per annum are dyed there, this addition must be inconsiderable.

United States Case, p. 273.

British Commissioners' Report, pp. 106 and 107.

GENERAL CHARACTER OF THE FLEET.

A Memorandum is given in the Appendix by Mr. Gleadowe, of the British Treasury Department, who, in April 1892, was sent by the British Government to assess the amount of damage sustained by Canadian sealers by reason of the *modus vivendi* having been put into force after the seal season had actually commenced. Mr. Gleadowe's inquiry was in no way made in connection with the British Case or Counter-Case, and his Memorandum is confined to an explanation of the general position and character of the fleet. Appendix, vol. ii, p. 265.

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Speaking of the sealing fleet generally he states:

> As regards the schooners, I have been much impressed with the excellence of the way in which, as a general rule, they are built and found in every respect. Compared with craft of a similar tonnage in other industries they are expensively fitted up, and everything about them appears good, more like yachts than fishing-boats.

The Memorandum explains that the schooners have accommodation for twenty or thirty men, and all are arranged and fitted in a way that would be out of place in an ordinary fishing or trading schooner.

COST OF CONSTRUCTION.

In the United States Case, Mr. Milne's estimate of 100 dollars per ton as the cost of building these schooners is questioned, and Mr. Williams' figures of 80 dollars are stated to represent more nearly the actual cost.

A reference to Mr. Gleadowe's Memorandum, however, will show that Mr. Milne does not exaggerate the cost. The Memorandum, after explaining that the best and most lasting vessels came from the Eastern States of Canada or America, or from Yokohama or some other port of Japan, states that the schooners engaged in the trade cost from 53 dol. 50 c. per ton up to 145 dol. 50 c. per ton.

AGE OF VESSELS.

As regards the age of the vessels, it is suggested in the United States Case that a considerable number of the vessels of this fleet are old and unseaworthy; but from Mr. Gleadowe's Memorandum, it will be seen that the majority and the most valuable of the forty-four vessels into the United States Case, p. 276.

value of which he inquired have been built within recent years:

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	Schooners.
1863, and previously	2
1868	1
1869	1
1872	1
1875	1
1877	3
1882	1
1883	4
1884	4
1885	2
1886	5
1887	1
1888	5
1889	4
1890	1
1891	9

THE SCHOONERS USELESS FOR OTHER TRADES.

That vessels engaged in sealing are specially constructed for the pursuit in which they are employed, and are unavailable for any other, is shown by the following extract from the affidavit of Richard Hall, Secretary of the Victoria Sealers' Association:

Appendix, vol. ii, p. 222.

> There is no coast trade they can engage in, and deep-sea fishing is so far a failure owing to the great distance from markets and great cost of transportation. That if the sealing business were stopped from any cause, the entire fleet now engaged in that pursuit would be practically valueless. It would cost more to take any one of the fleet to the North Atlantic coast than such schooner would be worth when there.

This is confirmed by the Report of the British Commissioners, who write:

British Commissioners' Report, para. 106.

> The sealing-vessels are seldom used in or fitted for other employment, and nearly all of them remain laid up in harbour between the dates of the closing and opening of the sealing season.

THE SCHOONER-OWNERS.

United States Case, p. 285.

Commenting upon the persons owning the schooners, the United States Case states that they are as varied in their occupations as the purchasers of lottery tickets; and the same spirit which induces persons to risk their money in the latter has persuaded them to take their chance in the sealing business.

The facts show that the persons owning the schooners are what one would expect them to be, viz., persons who would otherwise invest their money in coast shipping, and on this point Mr. Gleadowe states:

Appendix, vol. ii, p. 265.

> Some of them were old sailors, who have invested their money in a schooner and sail with her themselves, but the majority are
> 313 men engaged in trade who have fitted out schooners as they would invest their money in any other speculation.

It is submitted that the owners of schooners will bear comparison with the shareholders composing the North American Commercial Company, or any other mercantile undertaking.

NUMBER OF PERSONS EMPLOYED.

As regards the number of people employed in the Canadian industry (as distinguished from those owning or having interests in the schooners, or engaged in transportation), the Tables already referred to show that there are now employed in, and depending for subsistence upon, this industry 1,458 persons, viz., 1,007 whites and 451 Indians. As to the wages obtained by them, Mr. Gleadowe reports: Appendix, vol. ii, p. 265.

> The men employed upon a schooner are paid, some by fixed wages and some by commission or lay on skins taken, and some by both. Thus, cooks and seamen are generally paid wages only, and those high wages from 30 to 60 dollars a-month, besides board; but hunters, whether white or Indian, are paid by lay only, and the amount of each varies from 1 dol. 50 c. to 3 dol. 50 c. a skin, or even more, the average being about 3 dollars. . . . A good hunter may easily make 1,000 or 1,500 dollars in a season. . . . The captain and mate are paid mainly by wages, but also have, in addition, a small lay on the skins; the captain often gets 50 dollars a-month, and 25 cents or 50 cents on every skin taken by the schooner, and the mate 40 and 50 dollars a-month and a lay on every skin taken by the stern-boat, which is specially under his charge. Where no lay is given the captain will get higher wages—in some cases 100 dollars.

The Indian hunters appear to be especially dependent upon the industry, and with reference to them Mr. Gleadowe writes:

> In many cases, the enforcement of the *modus vivendi* deprived them of their only means of livelihood, and I cannot but fear, from what I heard from the Indian agent, that very great distress resulted in many Indian villages up the coast from prohibition. Ibid.

For the reasons above given, it is submitted that the investment in Canada in pelagic sealing is substantial, and that the claims of those engaged in pelagic sealing—whose interests are directly involved in the decisions of this Tribunal—cannot with justice be neglected in the consideration of any Regulations which may affect the future of this important industry.

CONCLUSION.

It is submitted, that the facts detailed in the foregoing Chapters establish that if any regulations affecting pelagic sealing are to be made with a view to the protection and preservation of the fur-seals in or habitually frequenting Behring Sea, it will be necessary for their effective working that, concurrently with such regulations, there should be enforced proper limitations and restrictions upon the taking of seals upon the Pribyloff Islands themselves. That any regulations must be assented to by all nations whose subjects frequent, or are likely in the future to frequent, the waters of Behring Sea for pelagic sealing, and must be framed so as not unduly to restrict or interfere with the justifiable exercise by all nations of the industry of sealing at sea, which is in itself a perfectly legitimate method of obtaining the benefit of a natural product.

CHAPTER XIX.

DAMAGES.

With reference to the claim for damages mentioned at p. 12 of the British Case, and the particulars set out in the Schedule thereto, Great Britain will claim, in addition to the amount there stated, the sum of 62,847 dol. 12 c., the amount of expenses incurred by the Government of Canada in connection with the proceedings before the Supreme Court of the United States, with the view of establishing the illegality of the seizure of the "Sayward"; and the Arbitrators will be asked to find that such expenses were incurred, and should be included in the amount of damages which Great Britain is entitled to claim. The Arbitrators will further be asked to find what catch or catches might have been taken by pelagic sealers in Behring Sea without undue diminution of the seal herds during the pendency of the Arbitration.

In connection with the latter claim, it will be shown that the Government of Great Britain have paid to certain Canadian owners of sealing-schooners the sum of 100,234 dollars as compensation for disbursements made by them in contemplation of a voyage into Behring Sea, which had to be abandoned by reason of the enforcement of the *modus vivendi* of 1891.

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BEHRING SEA ARBITRATION.

APPENDIX

TO

COUNTER-CASE OF HER MAJESTY'S GOVERNMENT.

VOLUME I.

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VOL. I.—CORRESPONDENCE RELATING TO THE DATE OF SUBMITTING BRITISH COMMISSIONERS' REPORT.

No. 1.

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE,
Washington, September 27, 1892.

SIR: On the 6th instant, the day after the receipt by me of the printed Case of Her Majesty's Government called for by the provisions of the Arbitration Treaty of 1892, in a conference which I had the honour to hold with you at the Department of State, I made known to you the painful impression which had been created upon me by a hasty and cursory examination of that Case, but I withheld any formal representation on the subject until I could have an opportunity to lay the matter before the President. His absence from this capital and the attendant circumstances have made it necessary for me to delay a communication to you till the present.

I am now directed by the President to say that he has observed with surprise and extreme regret that the British Case contains no evidence whatever touching the principal facts in dispute, upon which the Tribunal of Arbitration must in any event largely, and in one event entirely, depend. No proof is presented upon the question submitted by the Treaty concerning the right of property or property interest asserted by the United States in the seals inhabiting the Pribyloff Islands in Behring Sea, or upon the question, also submitted to the Tribunal of Arbitration, concerning the concurrent Regulations which might be necessary in a certain contingency specified in the Treaty.

If it were fairly to be inferred from this omission that no proofs on these important points are intended to be offered in behalf of Her Majesty's Government, no ground for criticism or objection by the Government of the United States could arise, since it is within the exclusive province of either party to determine what evidence it will submit in respect to any part of the controversy, or to refrain from submitting any evidence at all. But such inference as to the course contemplated by the British Government does not seem consistent with certain statements made by its Agent in the printed Case submitted by him. In reference to the asserted property rights and interests, it is said, after a brief discussion of the question upon the assumption that seals are *feræ naturæ*: "In the absence of any indication as to the grounds upon which the United States base so unprecedented a claim as that of a right to protection of or property in animals *feræ naturæ* upon the high

seas, the further consideration of this claim must of necessity be postponed." (British Case, p. 140.) And in reference to the subject of concurrent Regulations, it is said: "The further consideration of the subject of any proposed Regulations, and of the evidence proper to be considered by the Tribunal in connection therewith, must of necessity be for the present postponed." (British Case, p. 157.)

It would seem from the foregoing extracts that it is the view of the Agent of the British Government that he still has an opportunity of laying before the Tribunal any matter which he may choose to introduce by way of proofs or evidence bearing upon the question of property, or interest in the nature of property, in the Alaskan fur-seals, or upon the question of concurrent Regulations for the protection and preservation of the same; and, inasmuch as the Treaty provides for the submission of evidence only through the Cases and Counter-Cases therein mentioned, such view of the British Agent must be that he may incorporate such proof and evidence in the Counter-Case to be prepared by him, leaving the United States without any means of contradicting, limiting, or qualifying them, however open they may be to contradiction, limitation, or qualification.

It must be evident to the Government of Her Britannic Majesty that by the provisions of the Treaty the question whether the United States have any property interest in the seals referred to, and the question what concurrent Regulations in the specified contingency may be necessary, are directly submitted to the Tribunal; that the Treaty assumes that each party will or may have allegations to make and evidence to produce upon both questions; that the plain contemplation of the Treaty is that each party shall state in his Case what his propositions of law are, and the evidence which will be relied upon in support of them, to the end that the other party may have a fair opportunity of showing in his Counter-Case that such evidence is untrue, or erroneous, or partial, or subject to qualification or explanation, for which purpose alone the provision for a Counter-Case was framed.

The British Agent and Counsel must well know that the decision of the two questions above referred to must depend upon the evidence produced concerning the nature and habits of the fur-seal, and the methods of capture and killing which are consistent with the preservation of the species; and that it is mainly upon these points that collision and contradiction upon matters of fact and differences in respect to matters of opinion are exhibited by the statements of persons likely to be made witnesses; that such witnesses are, in many instances, under the influence of prejudice and bias, and in some open to the suspicion of insincerity and untruthfulness; and that the only way by which either party may protect itself against the consequences of falsehood or error is by having an opportunity to detect and expose it.

The President cannot conceal his astonishment that it should be assumed that the British Government is at liberty to introduce a whole body of testimony of this character for the first time in its Counter-Case, and thus shut out the United States from an opportunity of detecting and exposing any errors which may be contained in it. The Government of the United States cannot fail to be aware, from the correspondence that has hitherto taken place on this subject between the two Governments, as well as from full information derived from the Representatives and Agents of her Majesty's Government and the Canadian Government in the course of the proceedings and discussions that have already occurred, not only that it is claimed on the part of those Governments that material evidence exists to contradict the facts

asserted by the Government of the United States, but that a considerable part of it has been already taken and prepared by the British Government, as to the character, extent, and weight of which, however, the Government of the United States is wholly uninformed.

The propositions of law and of fact upon which the United States will rely in the Arbitration are precisely stated in its Case now in the hands of her Majesty's Government, and need not be recapitulated here. In support of these assertions of fact a large amount of evidence, and all the evidence the Government of the United States will offer, except in rebuttal of that which may be introduced on the other side, has been prepared and is printed in the American Case and its Appendices.

The facts presented in the American Case are not new. They have been the subject of long discussion and correspondence between the two Governments, and of prolonged consideration by the Commissioners of the respective Governments appointed many months before the Treaty was celebrated, and whose functions, set forth in Article IX of that instrument, were to investigate the subject of seal life and the measures necessary for its protection. The opposing claims of the Governments in respect to these facts have been recognized and understood as constituting in one view to a large extent, and in another view to the full extent, the controversy for the determination of which the Tribunal of Arbitration has been created. If the Commissioners could have agreed in respect to them, as was hoped and desired on both sides, an Arbitration might not have been necessary. It is therefore impossible for the Government of the United States to believe, unless it should be so assured by Her Majesty's Government, that it is the intention of that Government to bring forward no evidence on these points in its own behalf.

If such evidence is to be offered hereafter in the British Counter-Case, the result of withholding it in the Case already delivered will be as follows: When presented in the Counter-Case, the United States Government will have, under the provisions of the Treaty, no opportunity whatever to meet it by rebutting proof of any description, but must proceed immediately to trial without being able to offer any contradictory, explanatory, or impeaching evidence. The Counter-Case is the last chance afforded by the Treaty for the introduction of any evidence at all. It is therefore provided that the Counter-Cases shall not be exchanged until thirty days before the final submission of the questions for decision. And thus the whole body of the British evidence, if reserved for the Counter-Case, would only come to the knowledge of the Government of the United States on the eve of the hearing, without the privilege of answering it.

Especially would such a method of trial prove injurious to the United States Government in respect to that branch of the hearing that refers to the Regulations which the Tribunal is authorized to prescribe for the preservation of the seal herd from extinction, if in the course of the consideration of the Case they should reach the conclusion that the United States Government cannot demand such protection as a right.

A strange misconception seems to exist in the mind of the Agent of Great Britain that a hearing other than that provided in the Treaty is to be afforded for the consideration of the question of Regulations, should the contingency therefor arise, and that another opportunity than the printed Case is to be granted for the submission of evi-
3 dence upon this question. It must be manifest from an examination of the Treaty that only one opportunity is afforded each party to submit evidence on this question, and that is to be availed of

in the original Case, except so far as evidence in rebuttal may be legitimate in the Counter-Case. Should the Arbitrators, in the course of their deliberations, find it necessary to consider the question of Regulations, the nature, extent, and efficiency of the Regulations to be framed must be determined entirely upon the evidence already submitted, since the subject is one upon which the Arbitrators can have no other knowledge than that thus afforded. How far and how gravely the Governments are at issue upon this point may be seen by reference to the correspondence regarding it between their respective Representatives preceding the celebration of the Arbitration Treaty. Can the United States be reasonably expected to discuss this important question upon a mass of adverse evidence which it has had no chance to meet by counter evidence, and hardly time intelligently to peruse?

It is further worthy of remark that, by the proposed method of making up the Case, the United States Government will not only be deprived of the means of reply to the British evidence by proof, but also of the opportunity adequately to discuss it in argument. It will be observed from the provisions of the Treaty that the written argument upon the whole Case must be completed and delivered within thirty days from the reception of the Counter-Cases. During this time the argument on the American side must be prepared, printed, and sent across the Atlantic, although a considerable part of the time must necessarily be occupied by Counsel in reaching Paris from the United States. While this may be possible, though not easy, in respect to so much of the Case as has been for several months previously in the hands of Counsel, if only evidence strictly in rebuttal remains to be dealt with after the Counter-Cases are exchanged, it would be manifestly impossible, if the bulk and strength of the British proofs are to be presented for the first time in the Counter-Case, to prepare any argument in respect of them that would be likely to be useful, within a period so short and so interrupted.

To a construction of the terms of the Treaty which leads to results so grossly unjust and so gravely prejudicial, the Government of the United States cannot assent. It would be, in its judgment, such a perversion of the letter and such a violation of the spirit of the Treaty as would threaten to defeat its objects and be fatal to its usefulness. It may safely be asserted that in no judicial proceeding ever invented for the determination of disputed facts was it allowed that one party should be at liberty to introduce his whole Case in such a manner as to give to his adversary no opportunity to present evidence in reply to it, although afforded on his own side full means of replying to his adversary's testimony. Such a method of trial could not be expected to result in a just decision. Had such a proposal been made in the present Case by either of the High Contracting Parties when the provisions of the Treaty were being framed, it would have been at once rejected not only as inadmissible, but as unworthy of the Government presenting it.

The true intent of the terms of the Treaty in respect to the mode of trial is, as the Government of the United States respectfully insists, obvious and clear. But one Case and one Counter-Case are provided for on each side. No issue is previously formed, and no pleadings interposed. It is manifestly contemplated that both parties shall simultaneously submit to the Arbitrators and to each other, in the Case which is to be exchanged within four months from the ratification of the Treaty, their propositions, their claims, and their evidence upon all the points in dispute. Neither goes forward, as in an action at law; neither is entitled to wait until he receives his adversary's Case before submitting his own.

Both understand by long correspondence and negotiation what the controversy is. Then to each is afforded the opportunity to reply to the Case on the other side in the Counter-Case which is to be exchanged within three months after the reception of the Case. The language of Article IV is upon this point decisive. No further opportunity of submitting evidence and no second hearing are provided for respecting Regulations or any other matter.

To the Counter-Case no reply is provided for except in argument, for the plain reason that it is supposed to contain no evidence except that in rebuttal. This method is fair to both sides, and places both on an equality; and as confirming the intention of the Governments as to these stages of the proceedings of the Arbitration, it is required that the decision of the Tribunal on the points submitted to it shall, if possible, be made within three months from the close of the arguments.

The Government of the United States has entire confidence that, in this view of the requirements of the Treaty, it will have the concurrence of Her Majesty's Government.

The Government of the United States has been, and is, extremely desirous that the Arbitration should proceed, but only according to the Treaty, the object of which was to provide a fair trial. To this end it has made an elaborate preparation, and has complied on its part with every requirement of the Treaty. It would be a source of profound regret to the United States Government, and, as it cannot doubt, to Her Majesty's Government, if the Arbitration should at this stage be put in peril. Should the assurance be received from Her Majesty's Government that the apprehension above expressed is unfounded, and that it is not intended on the part of that Government to offer in its Counter-Case evidence on the points that have been mentioned herein, the Government of the United States would accept the British Case as already delivered as a full compliance with the requirements of the Treaty. But in the absence of such an assurance, and in view of the statements made in that Case by the Agent of Great Britain herein quoted, I am directed by the President to state that he would feel constrained to regard the British Case as submitted as a failure on the part of Her Majesty's Government to comply with the terms of the Treaty of the 29th February, 1892, and to protest in the most solemn manner against this non-compliance with its provisions.

But the President entertains the greatest confidence that when the views herein expressed are brought to the attention of Her Majesty's Government, it will hasten to correct the errors which have been made by its Representatives in charge of its Case, and he is pleased to give the assurance in advance that the Government of the United States will assent to any reasonable means that may be proposed to that end by Her Majesty's Government. It is to be noted, however, that if the date fixed in the Treaty for the closing of the Counter-Cases is
4 to be observed, no time is to be lost by the British Government in submitting such proposition as may seem to it to be called for under the circumstances.

It would not be possible to correct the injustice which the Government of the United States conceives has already been done by the manner in which the British Case has been made up. It was an advantage which it is conceived was not intended to be afforded to either party, that, in taking its evidence in chief, it should have the benefit of the possession of all the evidence on the other side, as also that in making up the Report of its Commissioners it should first be provided with that of their colleagues representing the other Government in

respect to those points upon which they have failed to agree. But this advantage the United States Government prefers to submit to, though quite aware of its importance, rather than that the Arbitration should be put in peril.

I have felt it necessary to enter at some length upon an exposition of the views of my Government upon this question, because of its great gravity and of the serious consequences which might result from a failure of the two Governments to agree respecting it, and because of the earnest desire of my Government to reach a mutually satisfactory settlement. I deem it proper, however, to add, in conclusion, that the Government of the United States has entire confidence in its ability to maintain its position in the controversy submitted to the Tribunal of Arbitration; but to this end it must be afforded the benefit of those substantial safeguards against the introduction of error which the judicial systems of all nations so carefully secure, and which were designed to be secured by the provisions of the Treaty. In the absence of such safeguards no party to a judicial proceeding can be confident of the protection of his rights; indeed, a trial of a question of right, when one party has no opportunity of meeting and answering the allegations and evidence of the other, does not deserve the name of a judicial proceeding.

I have, &c.

(Signed) JOHN W. FOSTER.

No. 2.

The Earl of Rosebery to Mr. Herbert.

FOREIGN OFFICE, *October 13, 1892.*

SIR: I have received your despatch of the 28th ultimo, inclosing a copy of the note addressed to you by the United States Secretary of State on the 27th September last respecting the Behring Sea Arbitration.

Its contents, the general purport of which you had previously conveyed to me by telegraph, have received the attentive consideration of Her Majesty's Government, and it appears to them to be necessary to examine its various contentions in some detail.

Mr. Foster states:

1. That the President "has observed with surprise and extreme regret that the British Case contains no evidence whatever touching the principal facts in dispute, upon which the Tribunal of Arbitration must in any event largely, and in one event entirely, depend. No proof is presented upon the question submitted by the Treaty concerning the right of property or property interest asserted by the United States in the seals inhabiting Pribyloff Islands in Behring Sea, or upon the question, also submitted to the Tribunal of Arbitration, concerning the concurrent Regulations which might be necessary in a certain contingency specified in the Treaty."

2. Mr. Foster goes on to affirm that the Treaty provides for the submission of evidence only through the Cases and Counter-Cases therein mentioned, and he infers that the view taken by the British Agent must be "that he may incorporate such proof and evidence in the

Counter-Case to be prepared by him, leaving the United States without any means of contradicting, limiting, or qualifying them, however open they may be to contradiction, limitation, or qualification."

The Government of Her Britannic Majesty cannot admit that there is any foundation for these complaints, which seem to be based upon a construction of the Treaty which, in their belief and in the opinion of their advisers, is erroneous.

The scheme of that Treaty provides that the five questions submitted in Article VI should be kept distinct from, and that the decision thereon should be prior to, the consideration of any question of concurrent Regulations, which consideration would only become necessary in the event of the five points being decided unfavourably to the claim of the United States. The sixth Article requires that a distinct decision shall be given on each of these points, while the seventh Article provides that "if the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, Behring Sea," the Arbitrators shall *then* determine what concurrent Regulations are necessary, and that "to aid them in that determination, the Report of a Joint Commission, to be appointed by the respective Governments, shall be laid before them, with such other evidence as either Government may submit."

It will be noted that the seventh Article of the Treaty refers only to the Report of a Joint Commission, and it is only by the ninth Article alone provided that the joint and several Reports and recommendations of the Commissioners may be submitted to the Arbitrators, "should the contingency therefor arise."

The event therefore on the happening of which the Report or Reports and further evidence are to be submitted is thus indicated by the Treaty;—that event being the determination of the five points submitted in the sixth Article unfavourably to the claim of the United States, and so that the subject is left in such a position that the concurrence of Great Britain is necessary for the purpose of establishing proper Regulations.

It will be noticed further that the inquiries of the Commissioners are confined by Articles VII and IX to the question of Regulations, and have no reference to the points raised by Article VI.

It is clear, therefore, that by the Treaty it was intended that the Report or Reports of the Commissioners should be produced, not as part of the Case upon the questions stated in Article VI, but at a later stage, then only in the contingency above referred to.

With regard to point 5 of Article VI, the Government of Her Britannic Majesty, believing that the alleged "right of property or property interest" depends upon questions of law, and not upon the habits of seals and the incidents of seal life, have stated propositions of law which in their opinion demonstrate that the claim of such right is not only unprecedented, but untenable. These propositions will be found at pp. 135 to 140, 153 to 157, and propositions 15, 16, and 17 on p. 160 of the Case of this Government.

This being the view of the Government of Her Britannic Majesty, it would have been altogether inconsistent with it, and, indeed, as they conceive, illogical and improper, to have introduced into the British Case matter which, in the opinion of Her Majesty's Government, can only be legitimately used when the question of concurrent Regulations is under consideration.

The Government of Her Britannic Majesty therefore reserved, and in their opinion rightly reserved, until the time contemplated by Articles VII and IX of the Treaty, the consideration of the question of concurrent Regulations, should the contingency therefor arise, and Her Majesty's Government protest against the introduction at this stage of facts touching seal life, which they contend afford no support to the exclusive rights claimed by the United States, which were the original cause and formed the first object of this Arbitration.

With regard to the allegation that the United States will have no means of contradicting, limiting, or qualifying the proof and evidence adduced in the British Counter-Case, the Government of the United States appear to have overlooked the provision of Article VII, by which, with reference to the question of the concurrent Regulations, express permission is given to each Government to submit other evidence.

These are the views of the Government of Her Britannic Majesty, and they must maintain their correctness. But the Government of the United States have expressed a different view; they have taken the position that any facts relevant to the consideration of concurrent Regulations should have been included in the Case on behalf of Her Britannic Majesty presented under Article III, and that the absence of any statement of such facts places the United States at a disadvantage. The Government of Her Britannic Majesty, while dissenting from this view, are desirous in every way to facilitate the progress of the Arbitration, and are therefore willing to furnish at once to the Government of the United States and to the Arbitrators the separate Report of the British Commissioners, with its Appendices. The Government of the United States are at liberty, so far as they think fit, to treat these documents as part of the Case of the Government of Her Britannic Majesty.

Her Britannic Majesty's Government must, however, reserve to themselves the right of dealing in its Counter-Case, or at later stages of the proceedings, as contemplated by the Treaty, with the questions which have been raised in the Case of the United States. It must also be understood that Her Britannic Majesty's Government reserve to themselves the right of objecting to the introduction in the consideration of the five points submitted by the sixth Article of the Treaty of matter which they contend to be irrelevant, and which they consider to have been improperly introduced in that connection.

The Government of Her Britannic Majesty have observed with surprise a suggestion contained in the concluding paragraphs of Mr. Foster's note, that they have derived an advantage in "making up the Report of its Commissioners," by being first provided "with that of their colleagues representing the other Government in respect to those points upon which they have failed to agree." This advantage Mr. Foster further characterizes as important. The Government of Her Britannic Majesty had taken a different view as to the functions of the Commissioners from that apparently taken by the Government of the United States. Her Majesty's Government had regarded them as independent and free from control in the preparation of their Report, and the duty of strict impartiality will be found to have been specially impressed upon them in their instructions.

The Report and Appendices, in the words in which they are now presented to the United States, were printed on the 21st June, 1892, and laid before the Queen in pursuance of Her Majesty's Commission.

As the time for the delivery of the Counter-Cases has now been extended by sixty days, the Government of the United States will probably concur in thinking that ample time will be afforded to that Gov-

ernment for dealing fully with the Report, but the Government of Her Britannic Majesty would be prepared to concur with the United States Government in agreeing to a further extension of time, should the United States Government require it.

You will deliver to Mr. Foster a copy of this despatch, as forming the answer of Her Majesty's Government to his note of the 27th ultimo, and you will present to him at the same time the accompanying copies of the volume containing the Report of the British Commissioners.

6 Copies of the volume will be forwarded to each of the Arbitrators, and Her Majesty's Government propose also to forward to them copies of Mr. Foster's note and of this despatch.

I am, &c.

(Signed) ROSEBERY.

No. 3.

Mr. Herbert to the Earl of Rosebery.—(Received November 21.)

WASHINGTON, *November 9, 1892.*

MY LORD: With reference to my telegrams of to-day, I called at the Department of State this morning at the request of Mr. Foster, when he handed me a note containing the reply of the United States Government to your Lordship's despatch of the 13th ultimo in regard to the Behring Sea Arbitration.

After briefly recapitulating the principal points of this communication, copy of which I have the honour to inclose herewith, he stated that I might consider the difficulty which had arisen between the two Governments as settled, but he wished at the same time to make it clear to me that the United States Government had accepted the Report of the British Behring Sea Commissioners as part of the original British Case, under the assumption that it contained all the evidence on which Her Majesty's Government intend to rely in regard to pelagic sealing and the habits of the fur-seal, and that no fresh matter relating to these subjects would be introduced into the British Counter-Case except in reply to the questions raised in the United States Case. Should they, however, have been mistaken in this assumption, they intended to insist on their interpretation of the Treaty before the Tribunal of Arbitration, and to oppose the submission to the Arbitrators of any matter which might be inserted in the British Counter-Case which, in the opinion of the United States, would not be justified as relevant by way of reply to their Case.

I expressed my gratification at the settlement of the question, and asked him whether the United States required the extension of time offered by your Lordship for the preparation of their Counter-Case.

Mr. Foster replied that the offer had been communicated to the United States Counsel, but that he did not think any extension of time would be required. He would, however, suggest unofficially, in view of your Lordship's offer, that the time fixed in the Treaty for the presentation of the printed Argument should be extended by thirty days for the reasons contained in a short Memorandum which he gave me, copy of which I have the honour to inclose. He was anxious, he continued, to have your Lordship's opinion as to this suggestion, which he would make officially in a few days; and he hoped that the form of Agree-

ment which he had suggested would be accepted, as a supplementary instrument to the Treaty would involve many formalities, and would require ratification by the Senate.

I have, &c.

(Signed) MICHAEL H. HERBERT.

[Inclosure 1 in No. 3.]

Mr. Foster to Mr. Herbert.

DEPARTMENT OF STATE, *Washington, November 9, 1892.*

SIR: I had the honour to receive through you on the 25th ultimo a copy of Lord Rosebery's despatch of the 13th of the same month, but an acknowledgment has been delayed for the reason that the interpretation placed by his Lordship upon those provisions of the Arbitration Treaty of the 29th February, 1892, which relate to the mode of procedure called, in the view of the President, for some response from the Government of the United States, and that this could be more intelligently framed after the copy of the Report of the Behring Sea Commissioners made to Her Majesty's Government, and which Lord Rosebery expressed a willingness to furnish to the Government of the United States, had been examined, and the extent to which that Report would affect the Case theretofore prepared on behalf of Her Majesty's Government more precisely known.

This Report having been furnished to the Government of the United States and carefully examined, I now proceed to state the views entertained by this Government upon the interpretation of the Treaty in the particulars above mentioned by Lord Rosebery. That interpretation has been considered with the care which its character demands, and I am constrained to say that I cannot concur in it. It appears that, according to the view of Lord Rosebery, all matters relating to the nature, habits, and life history of the fur-seals, and the modes by which they are taken and killed, that is to say, substantially, all the matters upon which questions of facts arise between the parties, are relevant only to the question of concurrent Regulations, and not to the claim of a property interest asserted by the United States. If this view be correct, it follows that the Treaty makes no provision by which the allegations and proofs of the one party upon controverted questions of fact may be met, considered, and overcome by the other. Lord Rosebery himself is able to point to no provision affording to the parties an opportunity so essential to the preservation of their just rights except that contained in Article VII, which declares that in the event that the Arbitrators are called upon to consider the subject of concurrent Regulations, "the Report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as each Government may submit." If this clause were to be interpreted as permitting the parties to lay before the Arbitrators evidence pertinent to the subject of concurrent Regulations after the exchange of the Cases and the Counter-Cases (a view to which the United States does not assent), it certainly makes no provision for the furnishing of such evidence by the one party to the other which the United States insists upon as the essential condition for the establishment of truth upon the disputed questions of fact. When we observe the industrious care with which the Treaty provides for the furnishing of Cases and Counter-Cases, the first designed to contain the allegations and proofs by which the respective parties may wish to support their contentions, and the last to enable them to meet and overcome the proofs adduced by their adversaries, is it possible to doubt that this provision was intended to cover the case of disputed matters of fact?

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I will not repeat the argument urged in my note of the 27th September, designed to show the unreasonableness of imputing to the framers of the Treaty an intention so incompatible with the essential conditions of a judicial proceeding as that which appears to be attributed to them by Lord Rosebery; but again calling the attention of Her Majesty's Government to the views expressed in that note, I venture to suggest, for the consideration of Lord Rosebery, that when it appears by the Treaty that industrious care was taken to secure to each party to the controversy a knowledge beforehand of the allegations and proofs of the other, to the end that a contest might be the more intelligently made and the real truth more fully and certainly established, it is not a sound method of interpretation to nullify the effect of that intent by attaching large importance to the mode in which particular clauses of the document are expressed. It would seem to be more consonant with reason and with the familiar principles of the interpretation of written documents in such cases to dispose of any ambiguous language in particular clauses by a reconciling construction which will permit the known intentions of the framers of the document to have their effect.

Applying this rule of interpretation to the case in question, I am of the opinion that the particular expressions upon which Lord Rosebery relies have nothing in them inconsistent with the plain intention of the framers of the Treaty, as manifested by the main provisions above referred to. So far as the particular language of Article VII is concerned, two observations are to be made:

1. Interpreting this language as it stands in the Treaty, and without referring to any fact *aliunde*, it appears to be equally consistent with either view. The point at which the Commissioners are to consider the matter of concurrent Regulations is fixed; but neither the time nor the point at which the Report or other evidence is to be laid before them is fixed. The intention may just as well have been that this should be done in the Cases, and furnished by the parties to each other. It is a frequent occurrence in judicial controversies that cases present alternative aspects. Such instances do not call for separate hearing and decision; but the evidence bearing upon each view is submitted at the outset, although it is well understood that in certain contingencies parts of the allegations and proofs will not be considered.

2. As a matter of fact, what now stands as Article VII of the Treaty was, in the same language, part of an Agreement entered into by the Diplomatic Representatives of the two nations before the Treaty was concluded, and before the provisions in relation to the exchange of Cases were framed. It is easy, therefore, to see that all that was necessary at the time the Article was first framed and agreed upon was to provide for the laying before the Arbitrators of their Report and other evidence, leaving the details of when and how such evidence should be seasonably furnished by the respective parties to each other to be thereafter settled in framing other provisions of the Treaty.

Touching the language of Article IX, relating to a contingency in which it is contemplated that the Reports might not be laid before the Arbitrators, and which contingency Lord Rosebery supposes to be that of a determination by the Arbitrators upon the five special questions submitted to them adverse to the United States, I beg to submit that Lord Rosebery is clearly in error. The substance of Article IX was also embraced in the Agreement above referred to, which preceded the Treaty and created the Joint Commission. Although at this time it was contemplated that an arbitration should be provided for, it was yet hoped by the negotiators on each side that a satisfactory scheme of protection would be agreed to by the Joint Commission. The contingency referred to was that of an inability of the members of the Joint Commission to come to an agreement satisfactory to their respective Governments, and not, as Lord Rosebery supposes, that of a determination upon the five special questions adverse to the contention of the United States. A communication from Mr. Blaine, one of the negotiators, is appended hereto, showing the circumstances under which the antecedent Agreement was made. It is believed that Sir Julian Pauncefote, the negotiator on the part of Her Majesty's Government, will not dissent from this statement.

For the above reasons I cannot concur in the reasoning of Lord Rosebery, based upon a special consideration of the language of particular clauses of the Treaty. If his interpretation of the Treaty is correct, the whole matter of the submission of evidence and of argument as to matters affecting the question of negotiations is, as I have already suggested, left without any prescription of methods or limitations as to time. In view of the care taken in these particulars in the Treaty as to the Case and Counter-Case and Argument, it is not to be supposed that such an omission would have occurred. The provisions made were plainly intended to cover all matters submitted. I am clearly of the opinion that the clauses cited by Lord Rosebery, when properly examined in connection with the circumstances under which they were framed, contain nothing inconsistent with the plain
8 general intention of the Treaty to secure to each party an opportunity to meet and overcome the allegations and proofs of his adversary upon the disputed questions of fact; and even if these clauses should seem to contain matter furnishing some support to the views expressed by Lord Rosebery, a familiar rule of law would require us to subordinate the inference they may suggest to the main purpose of the parties. It is a matter of frequent occurrence where Agreements come before Judicial Tribunals for interpretation that incongruities are found between those parts of a writing which express the main purpose of its framers and those which relate to subordinate details. Such incongruities are always disposed of by a reconciling construction which secures the main object which the parties had in view.

I entirely agree to the observation of Lord Rosebery, to the effect that the right of property in fur-seals depends upon questions of law; but I conceive that the precise questions of law cannot be known, and cannot, therefore, be determined, until the facts out of which they arise are known; and I cannot concur with Lord Rosebery in the view which appears to be entertained by him, that the facts concerning the nature and habits of fur-seals, and the modes by which their increase may be made subservient to the uses of man without endangering the existence of the stock, are not pertinent to the claim of the United States to a property interest. On the contrary, I regard these facts as in the highest degree important.

Having thus expressed the views entertained by the Government of the United States upon the argument of Lord Rosebery in support of his interpretation of the Treaty, it remains for me to add that I am instructed by the President to say that he appreciates the spirit of equity and liberality in which Lord Rosebery, while insisting upon his own interpretation, practically to some extent at least, and I hope fully, yields to the Government of the United States the benefit of its interpretation by furnishing to the latter the separate Report of Her Majesty's Commissioners, with the permission that the same be treated as part of the original Case on the part of Great Britain. If, as I believe and assume, this Report contains substantially all the matter which Her Majesty's Government will rely upon to support its contentions in respect to the nature and habits of fur-seals, and the modes of capturing them, I entertain a confident hope that all further difficulty upon the questions discussed in this note may be avoided.

I deem it necessary, however, to say that the Government of the United States will, should occasion arise, firmly insist upon its interpretation of the Treaty, and that it reserves the right to protest against and oppose the submission to, and reception by, the Arbitrators of any matter which may be inserted in the British Counter-Case which may not be justified as relevant by way of reply to the Case of the United States.

The President is further gratified by the readiness manifested by Lord Rosebery to concur with the Government of the United States in respect to such extension of time as may be needed in dealing with the Report of which he has furnished a copy. This friendly offer will be communicated to the Counsel on behalf of the United States, and their wishes will be made known to your Legation or the British Agent.

I have, &c.

(Signed) JOHN W. FOSTER.

[Inclosure 2 in No. 3.]

Mr. Blaine to Mr. Foster.

17, MADISON PLACE, *Washington, November 8, 1892.*

SIR: After an arbitration had been resolved upon between the American and British Governments, a special correspondence between the Department of State and Lord Salisbury ensued, extending from early in July to the middle of November 1891. The various subjects which were to be discussed, and the points which were to be decided, by the Arbitrators in the affair of the Behring Sea were agreed upon in this correspondence.

A month later Sir Julian Pauncefote, the British Minister, and myself arranged the correspondence and reduced the propositions and counter-propositions to a Memorandum which was signed by us on the 18th December. Subsequently, the questions which had arisen between the two Governments concerning the jurisdictional rights of the United States in the waters of the Behring Sea were expressed in the form of a Treaty concluded at Washington on the 29th February, 1892. This Treaty was advised by the Senate on the 29th March, 1892, ratified by the President on the 22nd April, ratifications exchanged on the 7th May, and proclaimed on the 9th May, 1892.

In all these steps, including the correspondence with Lord Salisbury, the Memorandum concluded between Sir Julian and myself, and the Treaty that was ultimately proclaimed on the 9th May, 1892, and which was negotiated by Sir Julian and myself, not one word was said or intimated respecting the question now raised by the British Government as to a secondary submission of evidence after the first five points set forth in Article VI had been decided by the Arbitrators. It was never intimated that any other mode of proceeding should be had than that which is expressed in Articles III, IV, and V of the Treaty.

I shall be surprised if Sir Julian Pauncefote shall differ in the slightest degree from this recital of facts.

I have, &c.

(Signed) JAMES G. BLAINE.

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9 [Inclosure 3 in No. 3.]

Memorandum of Agreement referred to in Mr. Blaine's Letter of November 8, 1892.

The following is the text of Articles for insertion in the Behring Sea Arbitration Agreement as settled in the diplomatic correspondence between the Government of the United States and the Government of Great Britain:

1. What exclusive jurisdiction in the sea, now known as the Behring Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to the seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Behring Sea included in the phrase "Pacific Ocean," as used in the Treaty of 1825 between Great Britain and Russia, and what rights, if any, in the Behring Sea, were held and exclusively exercised by Russia after said Treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Behring Sea east of the water boundary in the Treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that Treaty?

5. Has the United States any right, and, if so, what right of protection or property in the fur-seals frequenting the islands of the United States in Behring Sea when such seals are found outside the ordinary 3-mile limit?

6. If the determination of the foregoing questions as to the exclusive jurisdiction of the United States shall leave the subject in such position that the concurrence of Great Britain is necessary to the establishment of Regulations for the proper protection and preservation of the fur-seal in, or habitually resorting to, the Behring Sea, the Arbitrators shall then determine what concurrent Regulations outside the jurisdictional limits of the respective Governments are necessary, and over what waters such Regulations should extend, and to aid them in that determination the Report of a Joint Commission to be appointed by the respective Governments shall be laid before them, with such other evidence as either Government may submit.

The Contracting Powers furthermore agree to co-operate in securing the adhesion of other Powers to such Regulations.

7. The respective Governments having found themselves unable to agree upon a reference which shall include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and being solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions, do agree that either may submit to the Arbitrators any question of fact involved in said claims, and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation.

(Signed) JAMES G. BLAINE.
JULIAN PAUNCEFOTE.

DECEMBER 18, 1891.

The following is the text of the Behring Sea Joint Commission Agreement as settled in the diplomatic correspondence between the Government of the United States and the Government of Great Britain:

Each Government shall appoint two Commissioners to investigate, conjointly with the Commissioners of the other Government, all the facts having relation to seal life in Behring Sea, and the measures necessary for its proper protection and preservation.

The four Commissioners shall, so far as they may be able to agree, make a joint Report to each of the two Governments; and they shall also report, either jointly or severally, to each Government on any points upon which they may be unable to agree.

These Reports shall not be made public until they shall be submitted to the Arbitrators, or it shall appear that the contingency of their being used by the Arbitrators cannot arise.

(Signed) JAMES G. BLAINE.
JULIAN PAUNCEFOTE.

DECEMBER 18, 1891.

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10 [Inclosure 4 in No. 3.]

Memorandum handed to Mr. Herbert by Mr. Foster, November 9, 1892.

Mr. Foster suggests that the time fixed in the Treaty for presentation of the printed Argument is inadequate, especially in view of the fact that the Counsel of the United States will have to consume a considerable part of that time in crossing the ocean after receipt of the Counter-Case and preparation of the Argument. It has been contemplated after the Argument was completed to translate the same into French. It is manifest that all this cannot be properly accomplished within thirty days. Having in mind the offer made in Lord Rosebery's note of the 13th October of a further extension of time, if desired by the United States, in view of the late date at which the Report of the British Commissioners was delivered, Mr. Foster proposes that it be agreed between the two Governments that, on the meeting of the Tribunal of Arbitration, if the Agent of either Government shall ask the Arbitrators for an adjournment of not exceeding thirty days to enable the printed Argument to be filed, the Agent of the other Government will also support the request.

No. 4.

Sir J. Pauncefote to Mr. Foster.

WASHINGTON, *January 7, 1893.*

DEAR MR. FOSTER: With reference to our conversation at the Department of State on the 5th instant respecting the interpretation placed on Article VII of the Behring Sea Treaty in your note to Mr. Herbert of the 9th November last, and to the appeal therein made to myself personally in connection with the point under discussion, I now beg leave to send to you, as arranged, a Memorandum of the grounds on which I feel bound to disclaim the views inferentially attributed to me.

I remain, &c.

(Signed) JULIAN PAUNCEFOTE.

[Inclosure in No. 4.]

Memorandum on Mr. Foster's Note to Mr. Herbert of November 9, 1892.

Since my return to Washington I have had an opportunity of examining the official correspondence which has taken place between Her Majesty's Government and that of the United States on the question whether the subject of concurrent Regulations, which under Article VII of the Behring Sea Arbitration Treaty are in the contingency therein mentioned to be determined by the Arbitrators, should have been dealt with in the printed Case delivered on behalf of Her Majesty's Government.

I find that in a note from Mr. Foster to Mr. Herbert of the 9th November last I am inferentially appealed to by Mr. Foster, and also by Mr. Blaine, in support of the contention of the United States Government that the contingency mentioned in Article VII does not refer to the decision of the Arbitrators on the five special questions submitted to them, but to the inability of the Joint Commission to come to an agreement as to the Seal Regulations.

I am at a loss to understand this reference to me, as throughout the whole of my negotiations with Mr. Blaine, and (during his prolonged illness) with the Assistant Secretaries of State (Messrs. Wharton, Adee, and Moore), not one word was ever spoken or written which could even suggest the belief that I ever held any view as to the intention of the two Governments on the point in question other than that which is plainly expressed in Articles VII and IX of the Treaty.

With respect to those Articles, Mr. Foster states that the "contingency referred to was that of an inability of the members of the Joint Commission to come to an agreement satisfactory to their Governments, and not, as Lord Rosebery supposes, that of a determination upon the five special questions adverse to the contention of the United States." Mr. Foster adds: "It is believed that Sir Julian Pauncefote, the negotiator on the part of her Majesty's Government, will not dissent from this statement."

I desire to record my entire dissent from that view. It follows as a necessary consequence that if the Arbitrators should determine that the concurrence of Great Britain is not necessary to the establishment of Regulations for the protection of seal life, the seal fishery would thenceforth be exclusively regulated by the municipal law of the United States, and no "concurrent" Regulations would be necessary.

Therefore Article VII provides that if it shall be decided that the concurrence of Great Britain in any such Regulations is necessary, the Arbitrators shall *then* determine what those Regulations shall be.

Article IX provides that the joint and several Reports of the Commissioners
10 A may be submitted to the Arbitrators "should the contingency therefor arise;" and further, that the Commissioners shall make a Joint Report "so far as they may be able to agree," and that their Reports, joint and several shall not be made public until they shall be submitted to the Arbitrators, "or it shall appear that the contingency of their being used by the Arbitrators cannot arise."

No other contingency is mentioned in the Treaty than that expressly laid down in Article VII, namely, a decision on the first five points which shall necessitate concurrent Regulations. Yet it is now proposed on behalf of the United States Government to substitute an entirely new and different "contingency," unknown to the Treaty, and in contradiction with its literal and reasonable sense.

The terms of Article VII are so clear and unambiguous as to preclude any extrinsic evidence (if it existed) to modify their purport, for such evidence is admissible only to explain what is doubtful, but not to contradict what is plain.

Mr. Foster incloses in his note a letter from Mr. Blaine, in which the ex-Secretary of State, after briefly reviewing the course of the negotiations, proceeds as follows: "Not one word was said or intimated respecting the question now raised by the British Government as to a secondary submission of evidence after the first five points set forth in Article VI had been decided by the Arbitrators. It was never intimated that any other mode of proceeding should be had than that which is prescribed by Articles III, IV, and V of the Treaty." He adds, "I shall be surprised if Sir J. Pauncefote shall differ in the slightest from this recital of facts."

In the first place, I beg leave to remark that the question was not "raised by the British Government." It was raised by the United States Government, who, as I venture with great respect to contend, irregularly submitted in their printed Case evidence and arguments respecting concurrent Regulations which the Arbitrators are only empowered to receive and deal with in the contingency mentioned in Article VII, that is to say, in the event of concurrent Regulations being held necessary, and who afterwards protested against the absence of all such matter in the British Case.

In the next place, the omission of any provision in the Treaty as to the mode of presentation of such evidence is quite natural, and easily explained.

The contingency of such evidence being used could not arise until after the decision of the Arbitrators on the five special questions. It was quite unnecessary, therefore, to discuss during the negotiations, and by way of anticipation, the mode in which that evidence should be brought before the Arbitrators. The contingency of that evidence being used before the Arbitrators might never arise, and, if it did, the mode of its presentation would be a matter of procedure for the Tribunal to settle. Indeed, any discussion on that point would have been premature, as anticipating a decision adverse to the United States on the five special questions.

Mr. Foster succeeded to the office of Secretary of State after the Treaty was signed, and his references to me, therefore, would seem to be based entirely on Mr. Blaine's letter. But it will be observed that in that letter Mr. Blaine appeals to me only to confirm his "recital of facts," and not to support the conclusion which he draws from the Treaty being silent as to the time or mode of presenting the evidence and arguments in relation to concurrent Regulations. It cannot, I think, be contended that the question is affected by the fact that the two separate Agreements of the 18th December, 1891 (of which copies are annexed to Mr. Blaine's letter) were ultimately embodied in one and the same Treaty.

I have already stated the grounds on which it appears to me that the interpretation placed by Mr. Foster on the Treaty, taken in its entirety, cannot be supported.

I think it may be convenient, in conclusion, to recall how the two Agreements came to be included in one instrument, contrary to the original intention of the High Contracting Parties.

The proposal of Her Majesty's Government for the appointment of a Joint Commission was for a long time opposed by the United States Government. It was refused by Mr. Blaine when originally suggested in my note of the 29th April, 1890 (Blue Book "United States No. 2 (1890)," p. 455)*, as part of a scheme of settlement of the dispute. It was again refused by Mr. Blaine when pressed on him by me while negotiating the *modus vivendi* of 1891, as reported in my despatch No. 81 of the 27th April of that year (see Blue Book "United States No. 2 (1891)," p. 2).

During the following two months the negotiations were continued, on behalf of the United States Government, by Mr. W. Wharton, the Acting Secretary of State.

In my letters to him of the 10th and 11th June, 1891, I again strongly urged the appointment of a Joint Commission—and, indeed, under instructions from the Marquis of Salisbury, I made it a condition of signing the *modus vivendi*. It was then that the United States Government consented to the appointment of a Joint Commission, with a stipulation that the Agreement should be separate from, though signed simultaneously with, the Arbitration Agreement (see Mr. Wharton's letters of the 10th and 25th June, 1891 (Blue Book "United States No. 3," pp. 35 and 51).

In his letter of the 25th June Mr. Wharton wrote thus: "It being understood that an arrangement for a Joint Commission is to be made contemporaneously with the conclusion of the terms of arbitration, I am directed by the President to propose the following separate Agreement."

The Agreements were therefore kept separate, and with distinctive headings, as shown in the copies annexed to Mr. Blaine's letter. But when the draft Treaty was drawn up and handed to me for the approval of Her Majesty's Government I observed that it comprised both Agreements, and in reply to my inquiry as to the reason for this departure from the original arrangement, I was informed that the Joint Commission Agreement entailed an expenditure of public money, and must be laid before the Senate, as well as the Arbitration Agreement, and that it was consid-

*The British Parliamentary Papers cited in this Memorandum are annexed to the British Case, Appendix, vol. iii.

ered more convenient that the whole arrangement should be comprised in the same instrument. This explanation was accordingly reported by me to the Mar-
10 B quis of Salisbury in my despatch No. 34 of the 4th February, 1892, transmitting the draft of the Treaty for the approval of Her Majesty's Government. (Blue Book, "United States No. 3 (1892)," p. 141.)

It was not suggested at that time that the effect of embodying the two Agreements in one instrument would be to introduce any innovation in the procedure as understood when the Agreements were kept separate. If any such effect had been contemplated by the United States Government it would surely have been pointed out to me at that time.

Her Majesty's Government having agreed, in a spirit of liberality and conciliation, that the Report of the British Commissioners shall form part of the British Case, I trust that this discussion may not be renewed. But as I have been appealed to both by the present and ex-Secretary of State, I fear that silence on my part might be taken as an acquiescence in the interpretation put on the Treaty in Mr. Foster's note of the 9th November. I therefore feel bound to offer the above observations on that note, and I venture to hope that they may throw further light on the subject, and modify the conclusions arrived at by the United States Government.

(Signed) JULIAN PAUNCEFOTE.

WASHINGTON, *January 7, 1893.*

11 TRANSLATIONS OF RUSSIAN DOCUMENTS FURNISHED IN UNITED STATES CASE.

[The left-hand column contains the translations originally furnished by the United States Government in Vol. I of the Appendix to their Case. In the right-hand column revised translations are given. Nos. 1 to 10, 12, and 15 having been withdrawn by the United States, the revised translations of these documents have been made for Her Majesty's Government from the *fac-similes* of the original Russian text annexed to the Case of the United States. Of the remainder, viz., Nos. 11, 13, 14, and 16 to 31, the amended versions, recently supplied by the United States, have been adopted. Where any material differences between the original and revised translations occur the passages have been underlined, with the addition of brackets in the case of interpolations.]

ORIGINAL TRANSLATION.

No. 1.

Abstract of Letter from the Minister of Finance to the Minister of Marine. Written from St. Petersburg, April 9, 1820.

The Committee of Ministers appointed by His Majesty on the 8th day of July, 1819, instructed the Minister of Internal Affairs to collect all information obtainable relating to the determination of the future rights and privileges of the Russian-American Company.

Subsequently, upon highest request, the Department of Manufactures and Internal Commerce, together with the Russian-American Company, submitted statements on this subject supported by the Annual Reports of the Board of Administration and by the testimony of the commanders of ships sailing in those regions, from which I learn that the foreigners, especially the citizens of the North American States, come to our Colonies in their ships and carry on both openly and secretly a trade with the native inhabitants, doing thereby great injury and wrong to our Settlements in their traffic, and also endangering the general interests by furnishing the islanders

REVISED TRANSLATION.

No. 1.

Copy of a Letter from the Minister of Finance to the Minister of Marine, dated April 9, 1820.

(No. 8.)

By a decision of the Council of Ministers, which received His Majesty's sanction on the 8th July, 1819, the Minister of the Interior was called upon to collect full information on the question of the proposed changes in the arrangements in connection with the Russian-American Company.

Subsequently, when, by His Majesty's order, the Department of Manufactures and Internal Commerce, and with it the Russian-American Company, were placed under the direction of the Ministry of Finance, the subject came before me for my consideration. I have gathered from the various Reports of the Board of Administration, as well as from the observations of the Commanders of ships that have visited those parts, that foreigners, especially citizens of the North American States, come to our Colonies in their ships, and carry on both openly and secretly a trade with the native inhabitants, and do injury and wrong to our Settlements by their proceedings, and, most of

with various arms and ammunitions.

In view of the recent establishment at these Colonies, and of the absence of forces required to prevent such irregularities, and of the small number of Russians scattered over an area of nearly 4,000 versts, the Company finds it impossible to occupy all localities in sufficient numbers to prevent the foreigners from maintaining their illegitimate intercourse with the native inhabitants, and from exercising their pernicious influence upon them. In this connection I have taken into consideration that the interests of the Company, its establishments and objects are inseparable from the interests of the Government, and it appears of the most imperative necessity for the preservation of our sovereignty in the northwestern part of America [and on the islands and waters situated between them] to maintain there continuously two ships of the Imperial fleet.

This object will, in my opinion, be most readily accomplished in the following manner:

Starting in the month of August or September of the present year one of these armed ships can sail for the Island of Sitka, and
12 the other for the harbor of Petropavlovsk, arriving there in the month of April or May 1821. The first having discharged at Sitka any cargo which may be intrusted to the commander, should sail to the northward along the American coast to Kadiak; should the commander receive at any of these places no special information as to foreign contrabandists from the manager of the Russian-American Company's Colonies, he may pursue his course to the westward, and having thoroughly examined the shores of the Aleutian Islands, the coast of Kamchatka, the Kurile Islands, [and the intervening waters,] he may return for the winter to the harbor of Petropavlovsk.

all, by supplying various kinds of arms to the islanders.

As the Colonies have only lately been founded, and as they do not possess sufficient forces to remedy these evils, a small number of Russians being scattered over an area of nearly 4,000 versts, the Company is unable as yet to occupy all points in such a manner as to prevent the foreigners from continuing their forbidden intercourse with the Americans and islanders, or exercising their influence over them. Under these circumstances, considering that the interests of the Company, its foundation, and its objects are inseparably connected with the interests of the Government, it appears to be very necessary, if we are to keep our hold over our possessions in the north-western part of America and on the islands situated in the ocean, that two ships of the Imperial navy should be kept constantly in that part of the world.

This proposal will, in my opinion, be best carried out in the following manner:

Starting in the month of August or September of this year, one of these ships of war should arrive at the Island of Sitka, and the other at the port of Petropavlovsk in April or May 1821. The first, having discharged at Sitka any cargo she may have for that place, will proceed in a northerly direction along the American coast to Kadiak, and if she does not receive there any special information in regard to foreign smugglers from the Manager of the Colonies of the Russian-American Company which may cause her to change her plans, she can continue her course in a westerly direction, and, after inspecting the shores of the Aleutian and Kurile Islands, return to the port of Petropavlovsk to winter there.

The other ship, however, having examined the eastern coast of the Kamchatka peninsula up to 62° of northern latitude and the west coast of America from this latitude to the Island of Unalaska, [and the intervening waters,] should proceed to Kadiak, and from there to Sitka for the winter. The object of the cruising of two of our armed vessels in the localities above-mentioned is the protection of our Colonies and the exclusion of foreign vessels engaged in traffic or industry injurious to the interests of the Russian Company, as well as to those of the native inhabitants of those regions.

If in the following year, 1821, two similar ships are dispatched from our Baltic ports, they could, in May or June of the year 1822, relieve the ships sent out in 1820, and the latter could return to their home ports by the middle of 1823.

In this manner two ships of war would always be present in the Colonies, and the Company would be assured of their protection. In addition to the other advantages resulting from this arrangement, it would afford a most excellent opportunity for the officers of the Imperial navy to perfect themselves by practice in the science of navigation.

In submitting this proposition to your Excellency, I consider it unnecessary to enumerate in detail the advantages resulting therefrom, but you must not omit to take into consideration the expenditure involved in such an undertaking. It therefore becomes necessary to know how much the fitting out of such ships and the maintenance of their crews would cost the Treasury. We should also know whether it be possible for such ships to take, in addition to provisions and stores for their own use during a period of three years, any other supplies which may be needed in Kamchatka and Okhotsk, and how much of

The other ship, after inspecting the eastern shores of the peninsula of Kamtchatka as far as 62° north latitude, and the western shores of America from that meridian to the Island of Unalaska, will pay a visit to Kadiak, and thence proceed to Sitka, where she will winter.

The object of the cruizing of these two armed vessels in the localities mentioned above is the protection of our Colonies and the prevention of the prohibited intercourse between the foreign ships on the one hand, and the Company's establishments and the native inhabitants on the other.

If in the following year, 1821, two more ships are sent from our Baltic ports, they should be able to relieve those dispatched in 1820 about May or June 1822, and the two ships first sent should be back in Russia about the middle of 1823.

By this arrangement two armed vessels would always be present in the Colonies founded by the Company for their protection, and, apart from other advantages, the officers of the Imperial fleet would have an excellent opportunity of improving by practice their knowledge of the art of navigation.

In communicating this proposal to your Excellency, I consider it superfluous to enumerate all the arguments in favour of these expeditions. The question of the expense which will be entailed by them must, however, be considered. It will have to be ascertained how much the equipping of these ships and the maintenance of their crews will cost the Treasury. Also, whether the aforesaid ships will be able to carry, besides provisions and stores sufficient to last them almost three years, a certain quantity of stores required for Kamtchatka and Okhotsk, and what is the maximum weight of

their tonnage could be devoted to the latter object. This information would be useful also for other purposes.

The Governor-General of Siberia, in his Report on the impoverished condition of the Yakutsk country, points out as the principal reason for this condition the burdens imposed upon the people through transportation of Government and commercial cargoes overland from Yakutsk to Okhotsk. If by means of the vessels of the Imperial fleet to be dispatched to those shores the Yakutsk people are relieved from this service they may devote their energies to cattle-breeding, already established among them, and thus better their deplorable condition.

If your Excellency should find an annual dispatch of two such vessels, as suggested above, practicable, and if the two vessels,
13 or one, as the case may be, could take, in addition to their own supplies, a certain quantity of arms and ammunition for Okhotsk and Petropavlovsk, such a measure would relieve the suffering Yakutes, and at the same time afford a partial reimbursement of the Government's expense. [A force of soldiers and sailors should also be stationed at the two ports mentioned above, in order to fill all vacancies caused by death or otherwise in the commands of the cruising vessels.]

In thus laying before you my thoughts on the subject, I am permitted to state that they have received the highest consideration of His Imperial Majesty, and I can assure your Excellency that the proposition meets with the highest approval, and this matter is submitted to you now to enable you to consider the arrangements necessary to be made for the purpose of such stores they will be able to carry. There is another reason why this information would be useful.

The Governor-General of Siberia, in his Report on the wretched condition of the Yakut country, states that he believes that the chief cause of the poverty of that region is the system adopted for transporting Government stores and merchandise from Yakutsk to Okhotsk, and that, although it is true that the old arrangements for this transport service were in 1810 replaced by a system of contracts, nevertheless the Yakuts, who were almost ruined before this change took place, and whose cattle, moreover, are constantly visited by disease, are scarcely able to bear the heavy burden imposed on them by the transport service.

If your Excellency should consider it practicable to dispatch two ships annually as proposed above, and if, in addition to their own stores, they are able to take some for the ports of Okhotsk and Petropavlovsk, this arrangement would be a great relief to the Yakuts, besides saving the Treasury considerable expense.

In order, however, to be able to judge better of this matter, it is necessary to ascertain what is the weight of the stores that are sent every year from Yakutsk to Okhotsk, so far as the Ministry of Marine is concerned, as well as the number of horses employed in transporting them during the last few years.

Having explained my views on this subject, I request your Excellency to be so good as to give your attention to what is stated above, and to favour me with your opinion thereon, in order that I may take it into consideration in connection with the proposals I am about to make in regard to the renewal of the regulations and privileges of the Russian-American Company

taking in due time action looking toward a renewal of the privileges and rights now enjoyed by the Russian-American Company under highest protection.

True copy.
(Signed) ZELENSKIY,
Chief Clerk.

No. 2.

Letter from the Minister of Finance to the Board of Administration of the Russian-American Company. Written from St. Petersburg, April 10, 1820.

(Confidential.)

The Report of your Board, dated 14th November, 1819, has, up to this time, remained unanswered, because the necessary information concerning the contracts concluded with the Englishman Pigott had not been received. Of this the Board spoke in its Report.

The information is now at hand, having been received on the 3rd ultimo. At the same time, I also received detailed statements of the appointment by the Government of Court-Councilor Dobello as resident agent on the island of Manilla, and of the propositions of this officer to dispatch a vessel from there to Kamchatka with provisions, in order to convince the Government how cheaply the country may be supplied from the Philippine Islands. Mr. Dobello also requested permission to dispatch from Manilla to Cronstadt two ships with tea and other Chinese goods.

All these propositions were duly submitted to His Majesty the Emperor, and I have now received the following highest decision of His Imperial Majesty:

1. That the contract entered into with the Englishman Pigot can not be sustained by the Government; but since the whaling industry may be of use as a means of securing subsistence to the inhabitants under the protection of His Imperial Majesty.

A true copy:
(Signed) ZELENSKY,
Chief Clerk.

No. 2.

(Copy.)
To the Board of Administration of the Russian-American Company.

MINISTRY OF FINANCE,
CENTRAL OFFICE,
(No. 9. Secret.) *April 10, 1820.*

The delay in replying to the letter from your Board of the 14th November last is due to the fact that information on the subject of the Agreement concluded with the Englishman Pigot, which was mentioned in that letter, was only received on the 8th ultimo.

This information was accompanied by particulars in regard to the appointment by the Government of "Court-Councillor" Dobello to reside on the Island of Manilla, and the proposal of that official that a ship should be sent with provisions from that island to Kamtchatka in the spring, in order to show the Government how cheaply provisions could be obtained from the Philippine Islands. Mr. Dobello also asked permission to send from Manilla to Cronstadt two ships with cargoes of tea and other Chinese goods.

I reported on all these matters to the Emperor, and have received the following instructions from His Imperial Majesty:

1. The agreement concluded with the Englishman Pigot is not approved by the Government; since, however, the whale-fishing industry may be of use as a means of assisting the inhabitants of Kam-

itants of Kamchatka and Okhotsk in case of failure in the fisheries, and as a basis for establishing a new branch of trade from which the Russian-American Company may derive considerable profit, His Imperial Majesty has most graciously designed to turn his attention to this subject, and has expressed the opinion that for this purpose a ship should be employed, furnished with all necessary implements and instruments, and manned with the very best officers and sailors. To enable the
14 Company to secure skilled masters for inaugurating this enterprise, Mr. Dobello has been instructed to endeavour to obtain such, with the understanding that in addition to their salaries, they shall be entitled to certain rewards and premiums, including 1 poud of oil from every whale or other marine animal killed by them.

2. The commander of the Government of Irkutsk is hereby instructed to forbid all foreigners, except such as have become Russian subjects, to enter the mercantile guilds or to settle in business in Kamchatka or Okhotsk; also to entirely prohibit foreign merchant-vessels from trading in these localities and from anchoring in any port of Eastern Siberia, except in case of disaster. (In such cases great care should be taken that no part of their cargo be discharged or sold to anybody, under pain of confiscation of the ship.) It is hereby ordered that the local authorities shall inform the Englishman Davis at Okhotsk and Dobello's agent in Kamchatka that the Government does not permit them to reside in those places, much less to erect buildings or other immovable property. In consideration of said prohibition, they will be awarded damages and afforded every facility on the part of the local authorities to dispose of their property and to take their departure. Mr. Dobello, however, is hereby instructed that the ship which he proposes to dis-

tchatka and Okhotsk when the other fisheries fail, and as the foundation of a new branch of trade, from which the Russian-American Company may derive considerable profit, His Imperial Majesty desires that the Company may turn their attention to this subject, and employ one ship in fishing for whales, fitting her with all necessary appliances, and choosing the best officers and men; and in order that the best masters may be at the disposal of the Company in first establishing the industry, Dobello shall be called upon to endeavour to obtain the services of such masters, who, in addition to the pay that may be agreed upon, shall each receive, as a premium, something for every pood of pure oil from the whales or other marine animals captured by them.

2. The authorities of Irkutsk are to be instructed not to allow any foreigner, unless he has become a Russian subject, to enter a merchant guild, or to settle at Kamtchatka or Okhotsk, and they are not to permit any foreign merchant-vessel to trade at those places under any circumstances, or to enter the ports of Eastern Siberia except in case of distress, in which case such vessel is not to be allowed to unload any part of her cargo, or endeavour to dispose of it, under pain of confiscation of the ship and cargo. Furthermore, the Englishman Davis at Okhotsk and Dobello's agent in Kamtchatka are to be informed, through your officials, that the Government refuses them permission to remain at those places, or to build houses or hold real property there; the local authorities shall afford them all proper facilities for disposing of their property and leaving the country. Mr. Dobello is to be informed that the ship which he proposes to send from the Philippine Islands to Kamtchatka will be allowed to go there for this once,

patch from the Philippine Islands to Kamchatka may, on this single occasion, take goods as well as provisions, and he shall be permitted to dispose of the same. But to prevent him from dispatching such vessels in the future, he is permitted to supply only Russian ships belonging to the Government or to our American Company, which may call at Manilla for supplies.

3. Permission is denied to Mr. Dobello to dispatch two ships to Cronstadt with tea and other Chinese goods, since such operations do not accord with the views of the Government, and he is hereby informed that he has been and is now required only to furnish information as to the prices of Chinese goods at Manilla, and as to what supplies and production from Eastern Siberia could be profitably disposed of there, to the end that all such information may be used for the benefit of our American Company in all its various commercial transactions.

Pursuant to this highest decision, I have already addressed the Governor-General of Siberia and the Minister of Foreign Affairs, and sent the necessary orders to Mr. Dobello; and now the following propositions are laid before the Board of Administration of the Russian-American Company:

1. From the whaling industry on the eastern shores of Siberia the Government expects not only such advantages as have been pointed out by the Governor-General of Siberia and by the commander of the districts of Kamchatka in their communication, of which copies are herewith appended, but discovers in this industry the promise of special advantages to the Company, and therefore hopes that the Board of Administration will at once furnish the means necessary for taking the preliminary steps toward the inauguration of whal-

and that he may sell the merchandize and provisions which he may send by her; but that he must not send any more ships, and is in future to confine himself to loading Russian ships which are sent to Manilla for provisions and merchandize, by order of the Government or of our American Company.

3. Mr. Dobello is refused permission to send two ships to Cronstadt with tea and other Chinese goods. Such a proceeding would not be in harmony with the views of the Government; moreover, all that has ever been or that is now asked of Mr. Dobello is, that he shall report what are the prices of Chinese goods at Manilla, and what products of Eastern Siberia could be profitably sold there, in order that this information may be made use of by our American Company in all its various commercial operations.

In accordance with His Imperial Majesty's instructions, I have already addressed a letter to the Governor-General of Siberia, and the Acting Minister of Foreign Affairs has communicated with Mr. Dobello. I now have to state as follows to the Board of Administration of the Russian-American Company:

1. The Government not only expects from the whale-fishing industry on the eastern shores of Siberia those advantages which the Governor-General of Siberia and the Superintendent of Kamtchatka have represented in their Reports, of which copies are inclosed, but also considers that this industry will be profitable to the Company. It therefore hopes that your Board will not fail to take steps for the establishment of the industry with as little delay as possible, and suggests that, without waiting for Mr. Dobello's reply,

ing in those waters, and proceed, without waiting for the information requested from Mr. Dobello, to inform itself concerning the engagement of experienced masters, &c. A ship should be purchased at once and dispatched in the following year, if it be found impossible to do so during the present.

15 2. Having, for the benefit of the American Company, excluded all foreigners from Kamchatka and Okhotsk, and prohibited them from engaging in trade [and from hunting and fishing in all the waters of Eastern Siberia,] the Government fully expects that the Company, on its part, will hold itself responsible for supplying those regions with all necessaries. In connection with this requirement, and in consideration of a request from the Governor-General of Siberia, the Board of Administration will report on the following points:

(*a.*) As to the means by which communication can be maintained between Yakutsk and Okhotsk without oppression of the Yakut people.

(*b.*) Whether the Company can undertake to land at the ports of Petropavlovsk and Okhotsk provisions, especially flour and salt, from their correspondents in California or the Philippine Islands, in such quantities as may be required by the Government forces and officials and by all other inhabitants, employing for this purpose a ship which must visit the places named at least once a-year and at a time previously fixed; also as to the probable cost of provisions, prices of freight, &c.

(*c.*) To propose measures for a development and increase of the fishing industries for the benefit

you should make inquiry for masters skilled in whale fishing, and take steps for the purchase of a ship suitable for this work, which should be sent to its destination, if possible, this year, but in any case not later than next year.

2. Having, for the benefit of the American Company, excluded all foreigners from Kamtchatka and Okhotsk, and forbidden them even to come to those places to trade, the Government expects that the Company, on its part, will assist in providing those places with all necessaries; and in view of the fact that the Governor-General of Siberia has more than once represented the necessity of relieving the Yakuts of the obligation of transporting stores by land from Yakutsk to Okhotsk, your Board is called upon to consider and report:

(*a.*) By what means it would be possible to establish communications between Yakutsk and Okhotsk without imposing a burden on the Yakuts.

(*b.*) Whether by establishing communications with California or the Philippine Islands the Company could supply the ports of Petropavlovsk and Okhotsk with provisions, especially flour and salt, both for its own officials and for those of the Government, as well as for the other inhabitants, employing for this purpose one ship which would remain in that part of the world, and be made use of for this service every year. The Board should not omit to consider whether the cost of keeping a ship employed on this service would not make it necessary to charge excessive prices for the provisions brought by her.

(*c.*) Whether the Company cannot suggest measures which would increase the productiveness of the

of the native population of Kamchatka and Okhotsk.

(*d.*) Whether the Company can undertake to furnish the districts of Kamchatka and Okhotsk with all the necessary articles of trade which the inhabitants now receive from Irkutsk, and at what prices.

3. In refusing permission to Mr. Dobello to dispatch ships loaded with tea and Chinese goods, the Government had in view the avoidance of any complications which might interfere with the full enjoyment by the Russian-American Company of its privileges granted by Imperial Ukase, not only in connection with the trade in teas across the Chinese border at Kiakhta, [but also in connection with the exclusive rights of trade and navigation in all the waters adjoining the Siberian as well as the American possessions of Russia, and all interior waters connected therewith.] For this purpose Mr. Dobello was requested to furnish detailed information of the trade and commerce at the Philippine Islands, [in order to relieve the Company of the necessity of employing foreign ships and masters for this trade which involves their admission to waters reserved for the exclusive use of the Russian-American Company under its charter.

In conclusion, it is stated as the decision of His Majesty the Emperor, in view of possible future complications of this nature, that no contracts involving the admission, free navigation, or trade of foreign ships and foreign subjects in the waters adjoining or bounded

fishing industry by which the poor inhabitants of Kamtchatka and the people round Okhotsk are chiefly supported; and, lastly—

(*d.*) Whether the Company can supply the inhabitants of Kamtchatka and Okhotsk with such articles as are indispensable to them. They are now brought from Irkutsk, and extravagant prices are charged for them, so that the people, instead of having their wants provided for, are being ruined.

3. In refusing to allow Dobello to dispatch two ships with tea and other Chinese goods, the sole object of the Government has been to prevent anything which might interfere with the regular course of our Kiakhta trade. If, however, the Russian-American Company is able to obtain Chinese goods in the Philippine Islands in exchange for wares which it cannot dispose of profitably at Kiakhta, there is no reason why it should not carry on such a trade. As the Company is itself engaged in the Kiakhta trade, it will take care not to injure its own interests, which are closely connected with that trade, by the sale of goods imported by sea. Mr. Dobello has therefore been requested to supply detailed information on the subject of the trade with the Philippine Islands, in order that it may be ascertained whether the Company can profitably exchange at Manilla for Chinese or other goods the furs which it cannot dispose of at Kiakhta.

In conclusion, I have to inform your Board that the reason why the Spanish Government have declined to recognize "Court-Councillor" Dobello as Russian Consul is that the Court of Madrid consider it not in harmony with their colonial system that foreign countries should have Consuls in their

by the coasts of the Russian
16 Colonies will be approved by
the Imperial Government.]

The Board of Administration of the Russian-American Company is hereby informed that Court-Councilor Dobello has not been recognized as Russian Consul by the Spanish Government, because the Court of Madrid declares it to be contrary to its colonial system to admit foreign Consuls to its Colonies; but having acquiesced in his residence at Manilla and in his exercise there of the duties of agent, it is now understood that the object of his appointment was only to assist vessels of the Russian-American Company visiting Manilla in purely commercial transactions.

(Signed)
Count D. GURYEF,
Minister of Finance.
Count YAKOV LAMBERT,
Privy Councilor.

Colonies. Permission has, however, been given to him to reside at Manilla, and to discharge there all the ordinary duties of a Consul. The only object for which Mr. Dobello was sent to Manilla was to assist our American Company in every way he could, and he has been reminded of this in the instructions which have just been sent to him.

(Signed)
Count D. GURIEFF,
Minister of Finance.
Count YAKOV LAMBERT,
Privy Councillor.

No. 3.

Letter from the Board of Administration of the Russian-American Company to Captain M. I. Muravief, of the Imperial Navy, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, April 23, 1820.

(No. 265. Confidential.)

On the 10th instant the Minister of Finance communicated to the Board of Administration, in a message marked confidential, the will of His Imperial Majesty in the following words:

1. That the contract concluded with the Englishman Pigott is disapproved by the Government.

2. That the Governor of Irkutsk be instructed to allow no foreigners, except such as have become Russian subjects, to join in any commercial guild or to settle in

No. 3.

From the Board of Administration of the Russian-American Company under the protection of His Imperial Majesty to Captain Matvei Ivanovitch Muravief, of the Imperial Navy, Chief Manager of the Colonies of the Russian-American Company.

(No. 265. Secret.)

In a letter dated the 10th instant and marked "Secret," the Minister of Finance informed this Board that His Imperial Majesty has directed as follows:

"1. The Agreement concluded with the Englishman Pigot is not approved by the Government.

"2. The authorities at Irkutsk are to be instructed not to allow any foreigner, unless he has become a Russian subject, to enter a merchant guild, or to settle at

Kamchatka or Okhotsk; also to strictly prohibit all foreign mercantile vessels from visiting these points, or trading in any of the ports of Eastern Siberia, except in case of disaster, when the strictest vigilance must be exercised to prevent the disposal of any of the vessel's cargo, under pain of confiscation of both ship and cargo. At the same time, the Englishman Davis at Okhotsk and Dobello's Agent at Kamchatka must be informed that the Government does not permit them to reside at those places, much less to acquire houses or other immovable property. The local authorities are instructed to allow them damages for the immediate disposal of what property they have already acquired, and to see to their immediate departure. Mr. Dobello is to be informed that the ship he has proposed to dispatch from the Philippine Islands to Kamchatka with provisions and articles of luxury will not be allowed to visit Kamchatka unless it be transferred to the ownership of a Russian subject, preference to be given to the Russian-American Company operating under highest protection.

3. Permission is also denied to Mr. Dobello to dispatch any ships to Kronstadt with teas or other Chinese goods, such transactions being in direct conflict with the views of the Government. He is also informed that no further intercourse is possible between him and the authorities of
17 Eastern Siberia, and that even if supplies should be needed from Manilla or any other adjacent foreign country, such transactions would be intrusted to the hands of our American Company.

Having informed you of these highest views, the Board of Administration adds the following explanation:

Kamtchatka or Okhotsk; and they are not to permit any foreign merchant-vessel to trade at those places under any circumstances, or to enter the ports of Eastern Siberia, except in case of distress, in which case such vessel is not to be permitted to unload any part of her cargo or endeavour to dispose of it, under pain of confiscation of the ship and cargo. Furthermore, the Englishman Davis at Okhotsk and Dobello's agent at Kamtchatka are to be informed through the same officials that the Government refuses them permission to remain at those places, or to build houses or hold real property there; and the local authorities shall afford them all proper facilities for disposing of their property and leaving the country. Mr. Dobello is to be informed that the ship which he proposes to despatch from the Philippine Islands to Kamtchatka will be allowed to go there for this once, and that he may sell the merchandize and provisions which he may send by her; but that he must not send any more ships, and is in future to confine himself to loading Russian ships which are sent to Manilla for provisions and merchandize, by order of the Government or of our American Company.

"3. Mr. Dobello is refused permission to send two ships to Cronstadt with tea and other Chinese goods. Such a proceeding would not be in harmony with the views of the Government; moreover, all that has ever been, or that is now, asked of Mr. Dobello is that he shall report what are the prices of Chinese goods at Manilla, and what products of Eastern Siberia could be profitably sold there, in order that this information may be made use of by our American Company in its various commercial operations."

In informing you of His Imperial Majesty's decision, the Board wishes to make the following observations:

The contract which was disapproved by the Imperial Government was concluded by Pigott on the 18th June, 1819, for a period of ten years by Mr. Riccord, Commander of the Kamchatka district, and Court-Councillor Dobello on behalf of the Government, parties of the first part, and the above-named Englishman Pigott on behalf of himself and his partners, Davis, Ebbets, and Meek, captains of American merchant-vessels, of the second part, for the purpose of whaling and hunting marine animals for their furs and oil on the coasts of Kamchatka and of Eastern Siberia, in the harbors, bays, and straits, and on the islands, for their own benefit and profit, without any duty or royalty, and with the privilege of carrying the Russian flag, and with the additional privilege of fishing and of shipping the catch from Kamtchatka on payment of 50 kopeks per poud on salted fish. This contract was naturally considered by the Government to be injurious to the interests of the Company, since all the benefits accrued to foreigners, and no provision was made to protect the native inhabitants of those regions who depend for their principal means of subsistence upon fish, which under this contract would have been carried away by foreigners before their longing eyes.

Having thus reached the conviction that the real object of these scheming foreigners, with whom it appears that Dobello was allied on terms of intimacy, was not only to obtain the privilege of killing whales and of trying out their blubber, or the chase of other marine animals which frequent our waters that wash the coasts of Eastern Siberia, but rather to gradually obtain control over our Kurile and Aleutian Islands for the purpose of hunting sea-otters and fur-seals, which object, had it been obtained,

The Agreement with Pigot which has not been approved is the Agreement concluded on the 18th June, 1819, for ten years between the Superintendent of Kamtchatka, Mr. Ricord, and "Court-Councillor" Dobello, in the name of the Government on the one hand, and the aforesaid Englishman Pigot on the other hand, for himself and for his partners, Davis, Ebbets, and Meek, captains of American merchant-vessels, with reference to fishing for whales and extracting oil from these and other marine animals on the shores of Kamtchatka and on those of all Eastern Siberia, in the harbours and bays and amongst the islands, for their own benefit and free of all duties, with permission to fly the Russian flag, and also with reference to catching fish to export from Kamtchatka, a duty of 50 copecks to be paid on every pood of fish taken and salted by them. This Agreement, it appears, is considered by the Government a mischievous one, because it contains no provision that would benefit the inhabitants of Kamtchatka and Okhotsk, and, moreover, the people of Kamtchatka, who are often in want of fish on account of the scarcity of salt and the want of fine days for drying the fish, would very likely be deprived, under the Agreement, of 30,000 poods of fish a-year, which would be caught and carried off by the above-mentioned foreigners.

Having discussed the scheme, which has very properly been rejected, of the crafty and enterprising foreigners, with whom Dobello appears to be closely allied as a result of his long acquaintance with them, and who, if they had been given permission to catch whales and other marine animals and to extract their oil, would have brought numbers of ships manned by all kinds of crews, and would have frequented not only the harbours and bays of Eastern Siberia, but also our Kurile and Aleutian

would have crippled the Russian-American Company, the Board of Administration expresses the following opinion:

As soon as the Imperial Government ascertained that the contracts made were in open violation of the privileges granted the Company, it prohibited at once all foreigners not only from settling in Kamchatka or Okhotsk, but also from all intercourse with those regions, enjoining the authorities to maintain the strictest surveillance over their movements. Basing your own action upon this proceeding on the part of our Highest Protector, you as Commander of all our Colonies must prohibit with equal strictness all foreigners from engaging in any intercourse or trade with native inhabitants, [as well as from visiting the waters frequented by sea-otters and fur-seals, over which our operations extend,] under the penalty of the most severe measures, including the confiscation of ships and the imprisonment of crews engaged in this illegal traffic. You must act with the greatest severity in
18 cases where foreigners have sold to the natives arms, powder, and lead. They must be made to understand that [their presence in our waters is contrary to our laws, and that] they will never be admitted to any port unless you or your subordinates convince yourselves that such is necessary for the saving of life. In a word, you must preserve an attitude in full accord with the views of the Imperial Government on this subject, [and protect against all intruders the domain of land and water granted to us by the grace of the Emperor, and necessary for our continued existence and prosperity.]

Islands, solely for the purpose of taking sea-otters and seals—by which operations they would have ruined the Russian-American Company—the Board will now explain its views with regard to these various matters.

In view of the fact that the Government has perceived that these schemes would have done much harm to the Company, and has prohibited foreigners not only from settling, but also from trading, at Kamtchatka and Okhotsk, where there are established authorities, and where a surveillance can be exercised, it is your duty, as the Manager of the Colony, to use your best endeavours to carry out His Imperial Majesty's orders, by strictly prohibiting the foreigners who may visit the Colony from engaging in a traffic with the Indians, and, in case any of them violate the Regulations, not to be afraid to arrest the bold adventurers and seize their ships, if they carry on a traffic injurious to the Company's interests at places, or on islands, occupied by it, and especially if they supply the Indians with arms, powder, and lead. You should not even allow them to enter your ports unless you find it necessary to buy something from them which the Company urgently requires. In a word, you should adopt towards these adventurous traders such an attitude as it is proper for the Governor of all the places occupied by the Company to assume.

You must transmit these instructions without delay to your subordinate commanders for their conduct in their intercourse with foreigners, and especially to the commanders of ships navigating our waters, [to enable them to drive away the foreign intruders].

The communication from the Minister of Marine also contained a copy of a letter from the present Governor-General of Siberia, embodying many suggestions and opinions of advantage to the Company. Of this document the Board of Administration forwards a copy for your guidance, to enable you to act for the best interests of the Company.

(Signed) MICHAEL KISSELEF,
VENEDICT KRAMER,
ANDREI SEVERIN,
Directors.

APRIL 23, 1820.

P. S.—We hereby inform you that the Government has decided to dispatch two ships around the world during the present summer; one to winter in Kamchatka, and the other to proceed to Sitka and to cruise in search of foreign vessels.

Do not fail to instruct the authorities under you how to deal with foreigners coming to your shores. Special instructions should be given to the Commanders of our ships which are detached to the various points with regard to the action they are to take if they find anywhere foreign ships engaged in illicit trading.

The Minister inclosed in his letter a communication from the Governor-General of Siberia, which contains much that is of use to the Company. The Board incloses a copy of this for your guidance in the management of the Company's affairs.

(Signed) MICHAEL KISSELEF,
VENEDICT KRAMER,
ANDREI SEVERIN,
Directors.

(Signed) ZELENSKY,
Chief Clerk.

APRIL 23, 1820.

P. S.—We have to inform you that the Government has decided to send two ships round the world this summer; the one is to winter at Kamtchatka, and the other at Sitka after driving away the foreign adventurers.

M. K.

No. 4.

Letter from the Board of Administration of the Russian-American Company to Captain M. I. Muravief, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, March 31, 1821.

Your two letters from Okhotsk of the 26th and 28th July have been received by us with satisfaction, but with still greater pleasure we read your just remarks relating to various subjects intimately connected with the Company's inter-

No. 4.

ST. PETERSBURGH,
(No. 225.) *March 31, 1821.*

DEAR CAPTAIN MURAVIEF: We were very glad to receive your two letters from Okhotsk, dated respectively the 26th and 28th July, and it gave us special pleasure to read your very just remarks on many subjects which interest

ests. For this we render you our most sincere thanks, wishing you at the same time a safe arrival at your destination and good health, and that you may always retain at heart the best interests of our Company.

Your remarks to Mr. Riccord can not, we think, have been very acceptable to that gentleman. From the copy herewith inclosed of communications from the Ministries, you will see that the Imperial Government not only repudiates Messrs. Riccord, Dobello, and Pigott, but also prohibited them altogether from trading in Okhotsk and Kamchatka, with the result that to-day the foreigners
19 have abandoned their enterprise in that region, and no other foreigners will be allowed to visit these places in the future. The principles involved in this action of the Government you must also observe in dealing with foreigners who may visit our Colonies, [using all the force at your command to drive them from our waters.] Together with our new privileges, which have already been promulgated by the Minister, and which are only awaiting the return of our Monarch, we shall also receive definite instructions how to deal with foreigners who venture to cross the limits of possessions acquired long ago through Russian enterprise and valor.

From the same Ministerial documents you will see that the Company has been urged to engage in the whaling industry, and the necessary experiments will be entered into at once, though we know beforehand that no great profits will accrue to us therefrom, since Kamchatka and Okhotsk are districts very thinly populated, affording but an insignificant market for whale oil, and we could not sell it anywhere else. In these documents you will also find that the Government desires the Company to supply Kamchatka and Okhotsk

the Company. We thank you heartily, and hope your stay in the Colonies may be a pleasant one, and that you may enjoy good health. We trust that we may always see in you a benefactor of the Company.

What you said to Mr. Ricord cannot have been very pleasant to that gentleman. You will see from the inclosed copy of a letter from the Ministry, that our Government has not only put an end to the schemes of Messrs. Ricord, Dobello, and Pigot, but has even prohibited them from trading at Okhotsk or Kamtchatka, by compelling the foreigners now residing at those places to leave them, and by forbidding foreigners to visit them in future. It will be your duty to act upon this Order of the Government, and to do your best to prevent foreigners from visiting our Colonies. As soon as our new Charter, which has already been drawn up at the Ministry, and is only awaiting the return of His Imperial Majesty, has been sanctioned, we shall have Regulations showing us how to deal with foreigners who may cross the limit of our jurisdiction, and then it will be your duty to put these Regulations in force.

You will see from the letter from the Ministry that the whaling industry has been handed over to the Company. We shall try the experiment in due course; but we can tell beforehand that it will not be a profitable business, for Kamtchatka and Okhotsk, being thinly populated regions, will consume very little oil, and there is nowhere else where we could dispose of it. You will see from the same letter that the Government wants the Company to supply Kamtchatka and Okhotsk with breadstuffs, but this we are obliged for the moment

with breadstuffs, but this we are compelled temporarily to decline. When the "Borodino" called at Manilla, there appeared to be no market for the articles of Russian manufacture which, in Dobello's opinion, could be sold there with profit: on this matter, however, you must be fully informed through our officers, who must have reached you long ago, and who it is to be hoped are now on their return voyage. There only remains the hope of obtaining bread from California, if the Missions there have not been abolished. Your information on this point has been gratifying to us.

Upon all the questions submitted by Mr. Yanovsky, we have embodied our decisions in despatches already forwarded to you, accompanied by copies of all papers for use in case of loss of originals which were sent on the "Borodino."

During the present year no naval vessel has been dispatched around the world for the protection of our Colonies, but now two ships are being fitted out, to the command of which Tulubief and Filatof have been appointed, the former being in charge of the squadron. [You will, therefore, have an ample force patrolling our waters and protecting our interests.] In addition, we send you the brig "Rurik," commanded by Master Klotchkof. The brig is to return to us after cruising in colonial waters. In the accompanying newspapers and journals forwarded by the "Rurik," with the additional despatches, you will learn the state of affairs in Europe and in other countries.

Renewing our wishes for your prosperity and good health, we have, most gracious Sir, the honor to remain, with the most sincere friendship and respect,

Your very humble servants,
(Signed) MICHAEL KISSELEF.
VENEDICT KRAMER.
ANDREI SEVERIN.

to decline to do, as it is impossible, in view of the fact that when the "Borodino" was at Manilla, she found she could not dispose of various goods which Dobello said would sell very profitably there. You will have heard all the details of these matters from our officers, who, we trust, have long since reached the Colonies, and who may, perhaps, be already on their way home. The only place where we can hope to obtain breadstuffs is California, that is to say, if the Missions there have not been destroyed. We await news from you on this subject, which will either give us pleasure or cause us regret, as the case may be.

We have replied to all the questions put to us by Mr. Yanoffsky in the despatches which have been sent to you, and which were accompanied by copies of the papers sent by the "Borodino," in case the originals were lost.

Last year no Government vessel was sent round the world to protect our Colonies; now two are being sent out under the command, respectively, of Tulubief and Filatof, the former being the senior officer; and we are about to send out to you the "Rurik," under the command of Lieutenant Klotchkoff. The brig is to return home after visiting the Colonies.

You will get all the European news from the papers we are sending out to you by the "Rurik," and we shall send you another letter by her.

With all good wishes, &c.
(Signed) MICHAEL KISSELEF.
VENEDICT KRAMER.
ANDREI SEVERIN.

20 No. 5.

Letter from the Board of Administration of the Russian-American Company to Captain M. I. Muravief, of the Imperial Navy, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, August 3, 1820.

In order to enable you to issue your instructions to the various offices and to the managers of the Islands of St. Paul and St. George, as well as for your own information, we inclose herewith a statement of the views entertained by the General Government, as well as by the management of the Company. You will perceive from this statement that we, as well as the Government, do not countenance any intercourse with foreigners, [or the admission of foreigners within the precincts of our possessions,] except in case of absolute necessity. Heretofore, all such transactions have generally resulted in serious losses to us, [and the very presence of foreigners in our waters has become a vital question, affecting the existence of the Company.] The Board of Administration expects you to exercise the utmost vigilance on this subject, and to warn all district commanders against any intercourse with foreigners. To enable you to comply with these instructions more strictly, we shall henceforth dispatch every year a ship with supplies for the Colonies.

(Signed) VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

No. 5.

From the Board of Administration of the Russian-American Company under the Protection of His Imperial Majesty to Captain Matvei Ivanovitch Muravief, Chief Manager of the Colonies of the Russian-American Company.

(No. 430.) AUGUST 3, 1820.

In order that you may be informed of the tenour of the instructions issued to all the colonial stations and to the managers on the Islands of St. Paul and St. George, we herewith transmit a copy of those instructions, and hope that, as you know the aims of the Company and the Government better than the other officers, you will do your best to carry out the wishes of the Board, and will not have any dealings with the foreigners, unless you are absolutely compelled to have recourse to them to obtain something which is indispensable to you. Such dealings have always hitherto been unprofitable, inasmuch as the prices they give for furs are very much lower than those which obtain in Russia. The Board trusts that you will take care that these instructions are carried out by the authorities of all the stations, more especially as there appears to be no necessity for these dealings, as, in future, ships belonging to the Company are going to be sent to the Colonies regularly every year with large cargoes.

(Signed) VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

[Inclosure in No. 5.]

Orders from the Russian-American Company to its Kadiak Office, August 3, 1820.

(No. 426.)

The deceased Baranof was frequently instructed to abstain as far as possible from all intercourse with the foreigners visiting our Colonies, and also to inform the subordinate officers at Kadiak, Unalaska, and the seal islands on this subject. Now it has been decided to dispatch annually to the Colonies a ship loaded with all supplies needed for the maintenance of the people, ships, &c. In the years 1816 and 1819 the ships "Kutuzof" and "Borodino" were dispatched with valuable cargoes, and during the present year the "Kutuzof" will be again dispatched; consequently, there will be no necessity for dealing with foreigners in the matter of supplies. It is the desire of His Majesty the Emperor, which has been communicated to our Company, that all such intercourse should cease, and that the benefits arising from the possessions acquired by Russia on the coasts of Asia and America should accrue wholly to the benefit of Russian subjects, and especially to our Company under its Imperial Charter. The Imperial Government has also issued orders to expel from Okhotsk and Kamchatka all foreigners who come there for the purpose of trade; as well as to abstain henceforth from all intercourse with any foreigners who may hereafter visit those shores. [For the sake of preserving intact our valuable privileges in the waters over which our trade and industry extends,] we may well dispense with such articles of luxury as the foreigners endeavor to make us purchase from them. Consequently, each commander of a station will be held strictly responsible for the slightest infraction of these rules, or the most trivial transactions between foreigners and the people in his charge. In cases of necessity, protection will be afforded by the Commanders of New Archangel and of Okhotsk.

21

AUGUST 3, 1820.

[Inclosure in No. 5.]

Instruction addressed by the Board of Administration of the Russian-American Company under His Imperial Majesty's Protection to its Office at Kadiak.

(No. 426.)

The late Mr. Baranof was more than once directed to abstain, as far as he possibly could, from having any dealings with the foreigners who come to our Colonies, and to instruct the officers at Kadiak and Unalaska and the managers on the seal islands to adopt the same course. Moreover, now that it has been decided, in future, to send to the Colonies every year a ship with all that is wanted in the way of provisions, tackle, &c., and in view of the fact that the "Kutusof" and "Borodino" were sent out in 1816 and 1819 with large cargoes, and that, in accordance with the decision above referred to, the "Kutusof" is to be sent out a second time, not only is there no necessity for having dealings with the foreigners, but the Government, who have given orders for those who have come to Okhotsk and Kamtchatka to trade to be sent away, and for no others to be allowed to come there, have so clearly stated their wishes in the matter, that you must not even think of trading with these foreign visitors who offer certain articles of luxury, which the Colonies can very well do without, in exchange for furs for which high prices can be obtained in the Canton market. Your Office is, therefore, strictly prohibited from parting with any furs whatever to the foreigners in exchange for other goods. You should ask the Offices at Novoarkhangelsk or Okhotsk for anything you may require.

AUGUST 3, 1820.

No. 6.

Letter from the Board of Administration of the Russian-American Company to Captain-Lieutenant and Knight M. I. Muravief, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, March 15, 1821.

Mr. Yanovsky, in his Report under date of the 25th February, 1820, No. 41, describing his inspection of the fur-seal industry on the Islands of St. Paul and St. George, remarks that every year a greater number of young bachelor seals is being killed, while for propagation there remained only the females, sekatch,* and half sekatch.† Consequently, only the old breeding animals remain, and if any of the young breeders are not killed by autumn they are sure to be killed in the following spring. From this it naturally results that the industry decreases every year in volume, and that in course of time it may be extinguished entirely, as can clearly be seen from experiments made. In order to avert such disaster, it would be to our great advantage that for one year no seals at all should be killed. Then strict orders should be issued that the annual take of seals should not exceed 40,000 on St. Paul and 10,000 on St. George. Mr. Yanovsky thinks that under such rules the fur-seal will not continue to diminish. The Board of Administration of the Company, while acknowledging the justice of these remarks, would desire that these measures be employed only in case of a failure to discover other seal rookeries on islands to the northward and southward of the Aleutian chain, which it is hoped to discover. In the meantime, on the Islands of St. Paul and St. George, every third year the first "prival"‡ only should

No. 6.

From the Board of Administration of the Russian-American Company, under the Protection of His Imperial Majesty, to Captain Matvei Ivanovitch Muravief, &c., Chief Manager of the Russian-American Colonies.

(No. 175.)

In his Report No. 41 of the 25th February, 1820, Mr. Yanovsky, in giving an account of his inspection of the operations on the Islands of St. Paul and St. George, observes that every year the young bachelor seals are killed, and that only the cows, "sekatch," and half "sekatch" are left to propagate the species; it follows that only the old seals are left, while, if any of the bachelors remain alive in the autumn, they are sure to be killed the next spring. The consequence is, that the number of seals obtained diminishes every year, and it is certain that the species will in time become extinct.

This view is confirmed by experience. In order to prevent the extinction of the seals, it would be well to stop the killing altogether for one season, and to give orders that not more than 40,000 are ever to be killed in any one year on the Island of St. Paul, or more than 10,000 in any one year on the Island of St. George.

Mr. Yanovsky considers that, if these measures are adopted, the number of seals will never diminish. The Board of Administration, although they concur in Mr. Yanovsky's view, have decided not to adopt the measures proposed by him unless it is found that there is no migration of seals to the two small islands which are believed to exist to the south and north of the chain of islands; they have decided in the meantime that every fourth season the first batch of seals arriv-

* Bulls. † Young bulls.

‡ The word "prival" means the larger waves of an incoming tide, and it is used upon the assumption that the seals are landed upon the islands in three distinct waves or "privals." The meaning of the text is not quite clear at this point.

be worked on one of the islands, in turn. For instance, if on one island the first "prival" is spared, killing from this "prival" is done on the other; and, again, when a period of rest is observed on the second island, all three "privals" are worked on the first island to make up the annual catch determined upon for both islands. In this way the people will not be idle during any year, since they can easily be carried to whichever island is designated for working all three "privals."

If, however, the islands to the northward are discovered, and are found to be available for sealing, we may, in conformity with Mr. Yanovsky's opinion, instruct the officials of St. Paul and St. George to work them every fifth year, limiting the annual catch in the interval on St. Paul Island
22 to 40,000 and on St. George to 10,000. We must suppose that a total suspension of killing every fifth year will effectually stop the diminution of the fur-seals, and that it will be safe at the expiration of the close season to resume killing at the rate mentioned above. By strict observance of such rules, [and a prohibition of all killing of fur-seals at sea or in the passes of the Aleutian Islands,] we may hope to make this industry a permanent and reliable source of income to the Company, without disturbing the price of these valuable skins in the market. Great care must be taken to prevent the burning of skins subjected to artificial drying. This process must not be resorted to with salt wood (driftwood), and if no other can be obtained, the greatest care must be taken to regulate the fires. The non-observance of strict rules upon this point has already been the cause of losses to the Company, amounting to millions of rubles. The latest shipments of fur-seals to Russia were in fair condition, consequently we may hope that equal care will be taken ing at the Island of St. Paul shall be spared, and the same in the case of the Island of St. George. The following arrangement should be adopted. During the season when the first batch is to be spared on the Island of St. Paul, the killing of all three batches of seals should go on on the Island of St. George, and conversely. Not more than 40,000 seals should be killed on the Island of St. Paul, or more than 10,000 on the Island of St. George, in any one year. If this arrangement is adopted, the men will never be idle; for when the time comes for one batch to be spared on one island they can all go to the other, where all three batches are to be killed. If the small islands supposed to exist to the north are discovered, and are found to be visited by seals, you should, as suggested by Mr. Yanovsky, give instructions for the employés of the Company on St. Paul and St. George to go and kill seals there every sixth year, and to continue to kill 40,000 on St. Paul and 10,000 on St. George every year. At the end of every five years, the killing should cease on St. Paul and St. George for one year, for the propagation of the species; during that year the catch on the small islands to the north will indemnify the Company for what it loses on St. Paul and St. George; and the following year the usual operations will be resumed, and 40,000 seals killed on St. Paul and 10,000 on St. George.

These measures will preserve the fur-seal industry and advance the best interests of the Company by preventing the price of the furs from falling in the market. Great care should also be taken that the skins are not spoilt by excessive drying in ovens, if the adoption of that method is sometimes made necessary by persistent bad weather; the managers of the islands should be very careful that the ovens are not over-heated, and should be called upon to pay for

in the future. When you visit the islands you will make such arrangements as in your judgment will prove beneficial to both the Company and the natives employed. If, from unforeseen circumstances, you should be prevented from visiting the islands in question, be sure to send a trustworthy representative who will impress upon officials as well as employés that our Rules for preserving these valuable animals must be observed.

With the greatest respect, we are, your Excellency's humble servants,

(Signed) MICHAEL KISSELEF,
VENEDICT KRAMER,
ANDREY SEVERIN,
Directors of the Russian-American Company.

any skins that are made useless for export. The Company have, in former times, lost about a million roubles in this manner. The furs brought to Russia latterly have been fairly well prepared, and it is to be hoped that this improvement will continue. The Board would be glad if, when you next go to the islands, you would suggest any measures which you think would tend to improve the fur-seal industry; should it, however, be impossible for you to visit the islands at present, you will lose no time in giving orders for the Rules laid down by this Board to be applied forthwith.

(Signed) MICHAEL KISSELEF.
VENEDICT CRAMER.
ANDREI SEVERIN.

(Signed) ZELENSKY,
Chief Clerk.

MARCH 15, 1821.

No. 7.

Letter from the Board of Administration of the Russian-American Company to Captain-Lieutenant M. I. Muravief, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, September 7, 1821.

The Board of Administration having received a copy of the Rules for the limits of navigation and communication along the coast of Eastern Siberia, the north-west coast of America, the Aleutian, Kurile, and other islands [and the intervening waters,] established and confirmed by His Majesty the Emperor, and transmitted to the Governing Senate for promulgation and publication, we hereby send you one stamped copy for your guidance and observance. These Rules and Regulations will be translated into the English and

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No. 7.

From the Board of Administration of the Russian-American Company under His Imperial Majesty's Protection to Captain Matrei Ivanovitch Muravief, &c., Chief Manager of the Russian-American Colonies.

(No. 510.)

I transmit herewith, for your information and guidance, a printed copy which has been received by this Board of the Rules with regard to the limit of navigation and the order of communication by sea along the shores of Eastern Siberia, of North-Western America, and of the Aleutian, Kurile, and other islands which have been sanctioned by His Majesty the Emperor, and communicated to the Ruling Senate for publication. These Rules will be translated into English and French, and if this Board can obtain copies of the English and

French languages, and as soon as these translations have been received we shall endeavour to forward them to you by one of the naval vessels.*

(Signed) VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

French versions, they shall be sent to you by one of the Imperial ships.

(Signed) VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

(Signed) ZELENSKY,
Chief Clerk.

SEPTEMBER 7, 1821.

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23 No. 8.

Letter from the Board of Administration of the Russian-American Company to Captain-Lieutenant of the Imperial Navy and Knight M. I. Muravief, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, September 20, 1821.

The Minister of Finance, his Excellency Count Dmitry Alexandrovitch Guryef, under date of the 18th instant, has informed the Board of Administration of the Company that His Imperial Majesty, on the 13th day of the present month, has most graciously deigned to consider in private council the propositions submitted by his Excellency of granting anew to the Company its rights and privileges for a period of twenty years. A new set of Rules and Regulations were also taken under advisement, and the subsequent action, as evinced by the Imperial Edict, furnishes proof of the sincere anxiety on the part of the Imperial Government to assist all praiseworthy and patriotic enterprises, such as that represented by our Company, and to extend over them its highest protection. Our august Monarch is ready to do all in his power to further the efforts of the Russian-American Company in spreading

No. 8.

From the Board of Administration of the Russian-American Company under His Imperial Majesty's Protection to Captain Matvei Ivanovitch Muravief, Chief Manager of the Russian-American Colonies.

(No. 532.)

His Excellency Count Dmitri Alexandrovitch Gurief, Minister of Finance, informed this Board on the 18th instant that His Imperial Majesty had been pleased to approve, at Porkhov, on the 13th instant, drafts of a Charter granting privileges to this Company for a further period of twenty years, and of Regulations for its guidance. In inclosing copies of these papers, Count Gurief expressed the hope that, as they furnished to the Company proof of the anxiety of the Government to make it a still more useful institution, this Board would, on its part, use its best endeavours to meet the wishes of the Government in every respect, and especially that it would lose no time in sending the necessary instructions to you as the Chief Manager of the Company's Colonies.

* The Rules referred to are the Ukase of 1821. (See vol. i, p. 16.)

civilization and Christianity in the most distant possessions of Russia, promising at the same time to secure to the Company its well-deserved profits and advantages.

The Board of Administration of the Company has received the Edict and accompanying Regulations as promulgated by the Directing Senate, and ten copies of these documents with the seal of the Company affixed are herewith inclosed.

[With this precious Act in your hand you will be enabled to assume a new position, and to stand firmly opposed to all attempts on the part of foreigners to infringe upon our rights and privileges. In accordance with the will of His Imperial Majesty, we will not be left to protect unaided the land and waters embraced in our exclusive privileges. A squadron of naval vessels is under orders to prepare for a cruize to the coasts of North-eastern Asia and North-western America. In your dealings with foreigners] you will act especially under the provisions of the following paragraphs contained in the new Regulations: 35, 39, 41, 43, 44, 46–49, 51, 52, 53, 55–60, 62, 64, 67–70. [These paragraphs bear plainly upon the points in dispute between us and other seafaring nations. We can now stand upon our rights and drive from our waters and ports the intruders who threaten to neutralize the benefits and gifts most graciously bestowed upon our Company by His Imperial Majesty.] Faithfulness and energy on your part in carrying out the provisions of this Edict will be duly reported to and appreciated by the highest authorities.

Of the copies of the documents herewith inclosed,* you will furnish one each to the offices of New Archangel, Kadiak, Unalaska,

The Board has also received these documents, in the form in which they were printed for publication, from the Ruling Senate. Ten copies are transmitted herewith.

In these documents, and especially in the Regulations, the Government has explained the duties which it expects you, and this Board through you, to fulfil.

The Board does not consider it necessary to repeat all that is stated in the Charter and Regulations, by which expressions of the wishes of the Government you will of course be guided. In calling your particular attention, however, to paragraphs 35, 39, 41, 43, 44, 46, 47, 48, 49, 51, 52, 53, 55, 56, 57, 58, 59, 60, 62, 64, 67, 68, 69, and 70 of the Regulations, the Board hopes that you may earn the approval of the Government by complying with its requirements, and that you may enable the Board to bear witness always to the usefulness of your proceedings.

Be so good as to supply copies of the inclosures to the offices at Novo Arkhangelsk, Kadiak, Unalaska, and Ross, and the Depart-

*A copy of the Ukase, translated into the English language, was inclosed with this letter, and from it is copied the translation of the Ukase inserted in vol. i, p. 24.

Ross, and to the agents on the northern fur-seal islands, with instructions to comply with all its provisions as far as local circumstances will permit, with such additional explanations as you may see fit to furnish to the various individuals in charge. It
24 is necessary to add that such additional instructions and explanations must be uniform in tenor and expression in order to avoid misunderstanding and embarrassment to the Board of Administration.

Upon the receipt of such overwhelming evidence of the good-will of our Monarch toward the Company, we most sincerely congratulate you and your co-laborers in the field of enterprise.

In our future correspondence we will not forget to further enlarge upon this subject as circumstances may require. Lack of time prevents us from saying more at present.

(Signed) VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

We heartily congratulate you, our fellow-worker, on the happy occasion of the bestowal on the Company of this mark of the favour of His Imperial Majesty.

This board will not forget to write to you further in regard to the Charter and Regulations if there is any point on which it considers explanations necessary. The shortness of this letter is owing to want of time.

(Signed) VENEDICT KRAMER,
Director.
ANDREI SEVERIN,
Director.

(Signed) ZELENSKY,
Chief Clerk.

SEPTEMBER 20, 1821.

No. 9.

Letter from the Board of Administration of the Russian-American Company to Captain-Lieutenant of the Imperial Navy and Knight M. I. Muravief, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, February 28, 1822.

In your despatch No. 36, dated the 21st January, 1821, you asked for instructions as to sending in one cargo all the furs remaining in your hands, as you did in that

No. 9.

Reply of the Board of Administration of the Russian-American Company to Captain Matvei Ivanovitch Muravief, of the Imperial Navy, &c., Chief Manager of the Russian-American Colonies.

[Received on the "Tchirikoff," October 2, 1822.]

(No. 155.)

In your despatch No. 36 of the 21st January, 1821, you asked whether you were to send home the whole stock (meaning the stock of furs), and you did in fact send it

year, shipping 60,000 fur-seals by the "Borodino." The Board of Administration of the Company informs you that it is necessary to suspend for a time shipments of fur-seals, since those shipped by the "Borodino" still remain unsold, and other lots are in the same condition at Moscow and in Siberia. These fur-seals were not sold because the demand for them, as well as all other furs, has been greatly reduced during the Turco-Grecian difficulty. However, you need not on that account discontinue the shipments of the other valuable furs by the way of Okhotsk and Kronstadt. [As to fur-seals, however, since our gracious Sovereign has been pleased to strengthen our claims of jurisdiction and exclusive rights in these waters with his strong hand, we can well afford to reduce the number of seals killed annually, and to patiently await the natural increase resulting therefrom, which will yield us an abundant harvest in the future.]

In reference to your action in disposing of the Japanese brass cannon, we fully approve of what you have done. You did not need them in the Colonies, since you must have on hand sufficient armament to fit out all the Company's vessels as cruisers for the protection of our waters.

(Signed) MICHAEL KISSELEF.
V. KRAMER.
ANDREI SEVERIN.

(60,000 seal-skins) by the "Borodino" last year. The Board wishes you not to send home any more seal-skins for some time, because those that came by the "Borodino" are still on its hands unsold, some of them being at Moscow and in Siberia. There is no demand for seal-skins, and, in fact, the fur trade is altogether very slack, owing to the difficulties between Turkey and Greece. Still, you should send home the better kinds of furs viâ Okhotsk and Cronstadt.

You also wish to know whether you were right in sending home the Japanese brass guns. The Board entirely approves your having done so, because they were of no use to you in the Colonies, and, in fact, it had already been proposed to send them here from Okhotsk by way of the Colonies.

(Signed) MICHAEL KISSELEF.
VENEDICT KRAMER.
ANDREI SEVERIN.

(Signed) ZELENSKY,
Chief Clerk.

FEBRUARY 22, 1822.

25 No. 10.

Letter from the Board of Administration of the Russian-American Company to Captain-Lieutenant of the Imperial Navy and Knight M. I. Muravief. Written from St. Petersburg, July 31, 1822.

From the inclosed Ministerial documents and the observations thereon by the Board of Administration, you will see that England and the United States are contesting the privileges and marine jurisdiction conferred upon the Company. The first-mentioned Power protests against the boundary claimed by our Government on the line of the 51st parallel; the other Power against the prohibition of foreign vessels from approaching within 100 miles of our Colonies. In view of these pretensions, His Imperial Majesty has deigned to instruct the Russian Minister to the United States to negotiate with the Government of those States as to what measures could be taken which would prove satisfactory to both, with a view of averting further disputes.

If you should happen to become involved in difficulties with foreigners on that subject, you may allow yourself to be guided by the spirit of the above-mentioned documents. At the same time, we can inform you that without regard to future negotiations His Imperial Majesty, through the naval commander of his general staff, has ordered the Commander of the frigate "Kreisser," about to sail for the Colonies, not to insist too strictly upon the full distance of 100 miles, while at the same time affording the fullest protection to our industries, and proceeding with all foreign ships engaged in pursuits injurious to them to the full extent of marine jurisdiction.

(Signed) V. KRAMER.
ANDREI SEVERIN.

No. 10.

Board of Administration of the Russian-American Company to Captain Matvei Ivanovitch Muravief, of the Imperial Navy, &c., Chief Manager of the Russian-American Colonies.

[Received on the frigate "Kreiser," September 3, 1823.]

(No. 481. Secret.)

JULY 31, 1822.

You will see from the inclosed copy of a letter from the Ministry (of Finance), and the observations of this Board thereon, that England and the United States are raising objections to the privileges granted to the Colonies and to the Maritime Regulations; to the former, because our Government have fixed the boundary at 51 degrees, and to the latter, because foreign ships are forbidden to come within 100 miles of our Colonies.

In view of these pretensions, His Imperial Majesty has been pleased to instruct the Russian Minister to the United States to agree with that Government upon the measures necessary to be adopted in order to prevent any further dispute. If you should have any discussion with the foreigners on these subjects, you will be guided by the inclosed papers. At the same time, this Board has to inform you, in connection with these matters, that His Imperial Majesty has been pleased to instruct the Commander of the frigate "Kreiser," which is now on its way to you, through the naval head of the general staff, not to apply the 100-mile rule too strictly; accordingly, if he found a foreign ship nearer than that distance he would act with regard to it as laid down in the Maritime Regulations.*

(Signed) VENEDICT KRAMER.
ANDREI SEVERIN.

(Signed) ZELENSKY,
Chief Clerk.

* This is the literal translation of the Russian text.—(Translator's note.)

[Inclosure in No. 10.]

Letter from the Minister of Finance to the Board of Administration of the Russian-American Company. Written from St. Petersburg, July 18, 1822.

The Managing Chief of the Ministry of Foreign Affairs has informed me that on presentation by our Government to the Cabinets of London and Washington of the Rules promulgated on the 4th day of September, 1821, concerning the limits of navigation and system of coastwise intercourse along the shores of Eastern Siberia, North-western America, and the Aleutian and Kurile Islands and others, protests were entered by the English and North-American Governments against what they called an extension of our domain, as well as against the rule forbidding foreign ships from approaching the above-mentioned localities within the distance of 100 Italian miles.

26 In considering my Report on these representations, His Majesty the Emperor, wishing always to preserve the best possible understanding with foreign Powers, and having in view at the same time the possibility of acts of violence occurring between Russian and American vessels, and the misfortunes which thence might result, has deigned to instruct the naval authorities to guide their action by his sentiments on this subject. These instructions will be communicated to the commander of the two Imperial ships ordered to sail this year for the north-west coast of America. In the meantime, I am authorized to communicate to you the following:

1. That Baron Tuyll von Seroskerken has been appointed as successor to Mr. Poletica in the position of Imperial Russian Ambassador and Minister Plenipotentiary to the United North-American States, and that he has already taken his departure for Washington in order to consult with the Government there as to such measures as may prove satisfactory to both and meet with mutual consent, avoiding all further difficulties concerning our mutual rights in connection with our possessions on the north-west coast of America. His principal object will be to abolish all cause of complaint on the part of our American Company concerning the intrusive enterprise of certain subjects of the United States, and also to relieve them of a strict observance of the Edict dated 4th September, 1821, which in every other respect must be sustained.

2. In order that Baron Tuyll's negotiations may be facilitated and brought to a speedy conclusion, he has been furnished with a transcript of the Russian-American Company's views as to the Rules we could ask the Government of the Ameri-

[Inclosure in No. 10.]

Offices of the Ministry of Finance, 2nd Division, 3rd Table, to the Chief Manager of the Russian-American Company.

[Received July 18, 1822.]

(No. 938. Secret.) JULY 18, 1822.

The Head of the Ministry of Foreign Affairs has informed me that, on our Government communicating to the Cabinets of London and Washington the Regulations for the limits of navigation, and for communication by sea along the shores of Eastern Siberia, North-western America, and the Aleutian, Kurile, and other islands, approved by His Imperial Majesty on the 4th September, 1821, the English and North-American Governments made representations against what they term the extension of our dominions, as well as against the rules forbidding foreign ships to come within 100 Italian miles of the above-mentioned places.

On these representations being reported to the Emperor, His Imperial Majesty, being anxious to do all in his power to preserve the best understanding in his relations with foreign Powers, and especially wishing to prevent the occurrence of conflicts between Russian and American ships, which might lead to unpleasantness, was pleased to give instructions to the Department of the Navy in accordance with these views, in connection with the sending of two ships this year to the north-west coast of America. His Imperial Majesty at the same time gave orders for the following steps to be taken meanwhile:

1. Baron Tuyll von Seroskerken is to be appointed Imperial Russian Envoy Extraordinary and Minister Plenipotentiary to the United States of North America in place of M. Poletica, and is to proceed to Washington, without delay, to concert with the American Government measures to be taken by common consent to prevent any further dispute on the subject of the extent of the respective jurisdictions of Russia and the United States on the north-west coast of America, to put an end to the complaints of our American Colonies of the proceedings of certain citizens of the United States, and by this means to make it unnecessary to enforce to their full extent the Regulations of the 4th September, 1821, which we should otherwise have to apply rigorously.

2. In order that Baron Tuyll may be enabled the more easily to carry out the mission intrusted to him, the Russian-American Company are to furnish me as soon as possible with a statement of the measures which we might call upon the

can United States to observe, with a view to the maintenance of friendly intercourse without injury to the vast interests of our Company and those of the native inhabitants of that country. The Rules to be proposed will probably imply that it is no longer necessary to prohibit the navigation of foreign vessels for the distance mentioned in the Edict of 4th September, 1821, and that we will not claim jurisdiction over coastwise waters beyond the limits accepted by any other Maritime Power [for the whole of our coast facing the open ocean. Over all interior waters, however, and over all waters inclosed by Russian territory, such as the Sea of Okhotsk, Bering Sea, or the Sea of Kamchatka, as well as in all gulfs, bays, and estuaries within our possessions, the right to the strictest control will always be maintained.]

In informing me of the highest will on these points, the Managing Chief of the Ministry of Foreign Affairs expresses the desire to obtain a full and clear descriptive statement of all localities which are at the present day occupied by the Russian-American Company, and over which the same Company is now enjoying its exclusive privilege of trade, navigation, and fishery, in order to make it possible to ascertain definitely the points to which foreign vessels may be admitted without injury to the Company's vested rights.

The Managing Chief of the Ministry of Foreign Affairs adds that when, in the Charter granted to the Russian-American Company in the year 1799, the 55th degree of northern latitude was settled
27 upon as the southern boundary, this line was looked upon as well to the northward of any possessions claimed by other Powers, and one which could safely be changed in case our Russian-American Company should be found occupying territory farther south.

For this reason, Privy-Counselor Count Nesselrode suggests that it would be well for the Russian-American Company to compile in addition a list of its stations, the time of their establishment and maintenance, together with any information they may possess of the situation, strength, and importance of any establishments maintained in the vicinity of our possessions by English or North-American Trading Companies.

In order to enable me to comply with these various suggestions, and in view of the urgency of the matter in hand, I now Government of the United States of America to take, in order that the sources from which the Company derive their revenue may not suffer, and in order that the native inhabitants of those regions may not disturb our Settlements by carrying on prohibited trade. These measures should be of such a nature as to make it unnecessary for us any longer to insist on the distance stated in the Rules of the 4th September, 1821, to be that within which no foreign ship may come, and such as to enable us to confine ourselves to exercising a control over such an extent of water only as is by common custom considered to be under the jurisdiction of any Power which has possession of the seaboard, and to introducing on the coast such a system of surveillance as may be found necessary for the protection of our territory from attack, and for the prevention of illicit trading.

In communicating to me the Emperor's orders in this matter, the Head of the Foreign Office desires that the Company's statement may be accompanied by an accurate account of the localities where the Russian-American Company has hitherto exercised the right of hunting, fishing, and trading, as well as an indication of the parallel of latitude which can be fixed as the furthest limit of our dominions, without giving rise to remonstrances and pretensions such as those which have lately been evoked.

The Head of the Foreign Office adds that, when the Charter granted to the Russian-American Company in 1799 fixed as this boundary the 55th degree of latitude north, and gave permission to the Company to establish new stations even south of this line, except in places belonging to other Powers, no foreign Government objected to these two points, but that, on the other hand, it appears that two English Companies, the North-west Company and the Hudson's Bay Company, have long had trading stations established on the north-west coast of the American continent, beginning from 54° north latitude, and extending, according to some accounts, to 56°.

Under these circumstances, Privy Councillor Count Nesselrode thinks that it would be useful if the Russian-American Company would communicate all the information in its possession with regard to the existence of these stations and the time of their establishment, as he considers such information indispensable in order to avoid claims being advanced by England when we proceed with the United States to the delimitation of our respective territories.

In bringing what is stated above to the notice of the Board of Administration of the Russian-American Company, in

respectfully request the Board of Administration of the Russian-American Company to furnish me, without any unnecessary delay, a Report containing the information specified above, in duplicate, one copy to be forwarded to the Imperial Ambassador at Washington. At the same time, I am authorized to assure you that every effort will be made to secure the adoption of such Rules as will effectually protect the Russian-American Company from inroads on the part of foreigners upon their vested privileges, in strict conformity not only with the privileges granted by highest Act, but also with the Edict of 4th September, 1821.

(Signed) Count D. GURYEF,
Minister of Finance.
Y. DRUSHININ,
Director.

No. 11.

Letter from the Minister of Finance (Department of Manufactures and Internal Trade) to the Board of Administration of the Russian-American Company. Written from St. Petersburg, April 2, 1824.

On the subject of your representations, under No. 73 of 11th February of this year, concerning the permission to foreign vessels of entering the harbor of New Archangel for the purpose of trading with the Chief Manager of the Russian-American Colonies for such necessaries as he may be in want of, I have received a communication from the Minister of Foreign Affairs.

Count Karl Vassilievitch has been pleased to inform me that he has submitted the matter to His Majesty the Emperor, and that His Majesty, finding that the solicitations on the part of the Board of Administration of the Russian-American Company concerning the renewal of intercourse with foreigners in the Colonies were deserving of attention, has most graciously ordained that intercourse and trade with foreign ships in the accordance with the Emperor's orders, I have to request it to supply, without delay and in sufficient detail, the information required from it, in order that a firm basis of fact may be established on which to found the instructions to be sent to Baron Tuyll, with a view to the defence of our territory against unfounded claims and injurious attempts on the part of foreigners, and to the protection of the interests of the Russian-American Company, in accordance with the aims which the Government had before it when drawing up the Charter granted to the Company, and the Regulations approved by His Imperial Majesty on the 4th September, 1821.

(Signed) Count D. GURIEF,
Minister of Finance.
Y. DRUSHININ,
Director.

A true copy:
(Signed) The CHIEF CLERK.

No. 11.

Letter from the Minister of Finance (Department of Manufactures and Internal Trade) to the Board of Administration of the Russian-American Company. Written from St. Petersburg, April 2, 1824.

I have had a communication from the Minister in charge of the Ministry of Foreign Affairs in regard to the representation made by the Board of Administration, dated the 11th February, 1824, No. 73, concerning the permission to foreign vessels to enter the harbour of New Archangel for the purpose of trading with the Chief Manager of the Russian-American Company only, in order to procure articles which are absolutely necessary.

Count Karl Vasilevitch has informed me that he has made a Report on this subject to His Majesty the Emperor, and "that His Majesty, finding that the reasons which induced the Board of Administration of the Russian-American Company to desire the renewal of the trade which formerly existed in our Colonies with foreigners are deserving of consideration, has been pleased to command that the carrying on of trade

28 Colonies may be carried on under established Regulations, and in one port designated for the purpose.

Informing you of this gracious permission on the part of His Majesty the Emperor, I will add that I am authorized to state that it is the intention of the proper authorities to designate Sitka as the one port which foreign vessels will be permitted to enter for the purpose of trading with the Company only.

(Signed)
Lieutenant-General KANKRIN,
Minister of Finance.
SERGEI UVAROF,
Director.

with foreign vessels arriving there be permitted in accordance with established regulations at one designated port."

In notifying you of this permission of His Majesty the Emperor, I suggest that the Board of Administration, on its part, make the necessary arrangements to accomplish this object.

(Signed)
Lieutenant-General KANKRIN,
Minister of Finance.
SERGEI UVAROF,
Director.

No. 12.

Letter from Count Nesselrode to Nikolas Semenovitch Mordvinof. Written from St. Petersburg, April 11, 1824.

The communication of your Excellency, dated 20th February of this year, in which you express your opinion on the subject of the rights of the Russian-American Company to control certain parts of the north-west coast of America, and on the threatening dispute over the limits of such rights, I have had the honour to submit to His Majesty the Emperor. His Majesty, upon receipt of the communication, most graciously gave it his immediate and careful attention. His Majesty was pleased to enter into the subject with the thoroughness and promptitude which, as your Excellency is well aware, he bestows upon all subjects relating to the welfare of Russian subjects, especially of those who by their enterprise and energy have contributed to the enlargement and development of the Empire. The Emperor recalls with pleasure all that has been accomplished by our bold navigators in the discovery of islands and coasts of America;

No. 12.

(Copy.)

My Gracious Sir, NICHOLAS SEMENOVITCH: I had the felicity of submitting to the notice of His Imperial Majesty the despatch of your high Excellency of the 20th February of the present year, in which you express your opinion respecting the rights of the Russian-American Company to the possession of some parts of the north-western coast of America, and respecting the conditions for terminating the dispute which has arisen respecting the extent of these possessions.

His Majesty having favourably received the same, deemed your reasons worthy of his Imperial attention, which, as is known to your high Excellency, carefully directed to everything that concerns the preservation of the legal interests of Russian subjects, and those especially which, by enterprise and labour, conduce to the extension of national industry, and consequently to the increase of general prosperity in the Empire. The Emperor recollects with pleasure everything

their efforts and successes, their losses and the dangers incurred in the settlement of regions theretofore unknown, the natural riches of which they were the first to gather in and lay before the civilized world. These achievements doubtless gave us the right to look for commensurate advantages from those regions, and His Majesty's Ministers will not during the present negotiations ignore, nor have they at any other time ignored, this point of view. But while endeavouring to preserve the advantages gained under such difficulties, and while anxious to obtain others by all legitimate means, we must not forget that there may be other more important public interests and requirements imposing other more important duties upon the Government.

I consider it unnecessary, my dear Sir, to explain to you, who are thoroughly versed in all branches of the science of government, that in political negotiations we cannot confine ourselves to weighing only the greater or lesser immediate advantage involved in a question. His Majesty's Ministers primarily consider the right and justice of a question, and when right or justice cannot be obtained without sacrifice, they make the lesser interests yield to the greater, and above all they strive to secure the object in view without resort to force or embroilment with friendly Powers.

29 Without such sentiments no success could be expected in any negotiations, and these principles will guide the Plenipotentiaries named by His Imperial Majesty to negotiate the questions in which the Russian-American Company is interested. Our Cabinet, by the right of discovery, first settlement, and development, claims sovereignty over the islands and western coast of America from the northernmost point to the 55th degree of northern latitude. Great

that has been done by our bold mariners in the discovery of islands and coasts of America. Their efforts and successes, even their losses and dangers when settling in places hitherto unknown, and where they first extracted the riches of Nature for the benefit of all civilized mankind, have undoubtedly given us the right of obtaining advantages commensurate with them, and the Ministry of His Majesty will, neither during the present negotiations, nor yet at any other time, lose sight of them. But while endeavouring to protect interests laboriously established, and even secure new advantages by all allowable means, it must not be forgotten that there may exist other most important necessities and interests of State which impose very grave duties on the Government. To you, Sir, as a man acquainted with every branch of the science of government, I consider it superfluous to explain that the greater or smaller utility of desirable acquisitions cannot serve as a guide in political negotiations. What the Ministry of His Imperial Majesty will tenaciously follow is the principle of *right*, and there where it cannot with accuracy be recognized or defended without inordinate sacrifices in its entirety, it is necessary to take into consideration not only the degree of mutual demands, but also the degree of possibility of attaining the objects of the same without any dangerous strain of strength.

Without this it is impossible to expect success in negotiations, and these rules have served as guides for the Plenipotentiaries appointed by His Imperial Majesty for negotiating respecting the affairs of the Russian-American Company. By rights of first discovery, and by that which is still more real, the first establishment of habitations and human activity, our Cabinet demands possession both of the islands and the western coast of America from the furthest north

Britain, on the other hand, advances the rights of the Hudson's Bay Company, whose trading posts and stations are being pushed farther and farther into the interior of the country, and have almost reached the north-west coast under the same parallel. The basis upon which these conflicting claims are founded is almost identical, and it cannot be denied that through injudicious action on either side the most serious and unfortunate consequences might at any time arise. Prudence demands a speedy agreement between both sides interested. The most practicable solution seemed this: To establish at a certain distance from the shore a boundary line which both our trappers and hunters and the employés of the Hudson's Bay Company must be forbidden to cross. The representatives of both Powers recognized the necessity of such a boundary, but the width of the strip of coast necessary for the peaceable prosecution of the enterprises of our Colonies, the direction of the line, and its initial point on the mainland of America, are subjects still under discussion, since the Envoy of His Britannic Majesty declares he must wait for further instructions from his Court. It is hardly necessary for me to repeat that in all these negotiations with England we have recognized, and always will recognize, the paramount importance of the interests of the Russian-American Company in this matter; on the other hand, we must consider the extent of rights in the interior and the most practicable means of securing and maintaining the same. As I observe above, it is necessary for the peaceable existence of our Colonies that their boundaries be defined with the greatest possible accuracy. The extent of territory between the coast and this boundary should be sufficient for the requirements of all our establishments now existing, as well as of such as may be founded in the to the 55th degree of latitude; but Great Britain, on her part, represents the rights of the Hudson's Bay Company, whose trading posts or refuges, penetrating further and further into the interior of the lands, have nearly reached the north-western coast, on about the same parallel. The bases of these mutual pretensions are similar in character; at the same time it must be foreseen that out of the misunderstandings now arising disagreeable consequences may in time ensue, and prudence demands that the interests of both parties should be quickly reconciled.

For this only one expedient presents itself: to establish at some distance from the coast a frontier-line which shall not be infringed by our establishments and trappers, as also by the hunters of the Hudson's Bay Company. The Plenipotentiaries on both sides equally recognized the necessity of this measure; but the width of the coast-line necessary for the safe existence and consolidation of our Colonies, the direction of the frontier, and even its starting point on the Continent of America, still form subjects of negotiation, and the British Ambassador has declared that for continuing them he must seek new instructions from his Court. I shall not repeat that in these negotiations with England we took, and will continue to take, into equal consideration on the one side the requirements and interests of the establishments of the Russian-American Company, and, on the other, the degree of its rights of possession in the interior of the Continent of America, and the measure of the methods for firmly securing to the Company the possession of these territories.

As I have said above, for the peaceful existence of our Colonies more than all is it necessary to determine with accuracy the frontier, the extent of the country between the coast, and this frontier must be sufficient and be in correspondence

future. At this point, most gracious Sir, you will permit me to remark that we have no right or power to extend our claims in the interior of the American Continent to the Rocky Mountains. Such claims would only give rise to disputes and possible complications without any visible advantages resulting therefrom. On the other hand, it is your Excellency's own opinion that those regions are nearly barren and without proper soil to produce breadstuffs for our Colonies, and since the principal and almost exclusive industry of our settlers consists in the capture, not of land, but of marine animals, there seems to exist no necessity for an extended territory to the eastward of the boundary now proposed. Consequently there can be no cause for a dispute on the subject of fixing the boundary of this strip of coast. We must also consider that as long as we avoid such disputes, the neighbourhood of an enlightened people cannot be injurious, but must be of advantage to the Colonies, affording facilities for the purchase of supplies in case of need. There is no reason to apprehend that the mere fact of having such a neighbour would compel us to abandon any of the islands and coast heretofore occupied by us south of the 60th degree of latitude. Such were the conclusions arrived at by His Imperial Majesty on reading your Excellency's communication.

One point referred to in your letter especially attracted His Majesty's attention, namely, where you, dear Sir, asserted that in consequence of England's demands Russia would be obliged to yield or give up many natives of America who had been converted to Christianity by us. To lose subjects who had voluntarily come under his sceptre, and sons of the Russian Church, would certainly be repugnant to our great-hearted Monarch; but from all the information which I have been able to collect with the condition to what these establishments will, in all probability, in time attain, and by their means of own defence. Here, gracious Sir, you will allow me to observe that to extend our pretensions to the interior of the Continent of America to the middle of the Rocky Mountains, we have neither the right nor the possibility; such pretensions may merely be the cause not only of disputes, but also of other most disagreeable events; and, as it would appear to me, there is no visible advantage in this fictitious extension of our confines. Independent of the circumstance that the land in those places is almost sterile, affords no corn-fields, which, in the opinion of your high Excellency, are necessary for a Colony, is hardly able to produce good food-products, and that the principal pursuit of our settlers consists in the capture of marine and not land animals, it is necessary to bear in mind that in accordance with contemplated plans these Settlements, after the line of frontier has been fixed, will acquire recognized and undisputed possession of a considerably extensive zone of country, and, moreover, that when there are no disputes respecting boundaries the neighbourhood of civilized people, far from being harmful, is advantageous to a Colony, as, in case of necessity, new means of obtaining food supplies are established. How can it be supposed that, owing solely to such propinquity, we shall be obliged, abandoning the islands and coast occupied by us, to retire to the 60th degree? Such were the Emperor's own comments on the perusal of your high Excellency's despatch; one place in particular attracted the attention of His Majesty: it was that in which you, gracious Sir, asserted that, in consequence of the demands of England, Russia will be obliged to surrender to the former many natives of America who have been converted by us to Christianity. To lose

it would appear that on the coast below the 55th degree of latitude, or at any great distance from the sea-coast in the interior, there exist no Settlements of the Company or native inhabitants converted to the Greco-Russian faith, and as to any extension of our Settlements to the northward I venture to consider it somewhat improbable.

Having acquainted you (as far as I may while respecting the secrecy of diplomatic negotiations) with the present status of our arrangements with England, I turn to another subject of interest to your Excellency and all the members of the Company's Board of Managers, the negotiations with the North American Republic, which have been brought to a successful conclusion.

The Convention which was entered into on the 5th April, 1824, and of which I inclose an abstract for your information, consists of an agreement arrived at by mutual consent, and the clauses of which, in my opinion, will be mutually satisfactory and highly beneficial. In Article III the United States acknowledge the sovereignty of Russia over the west coast of America from the Polar Sea to latitude 54° 40′ north, while we, on our side, promise to establish no Settlements below that latitude, with the exception of such as have been already made, especially the Ross Colony in California. By Article II the States undertake to forbid their citizens and subjects from landing in any part of the Russian Colonies without special permission of the local authorities. In Article I* it is agreed that the Americans will not sell to the savage inhabitants of the territory belonging to Russubjects who have voluntarily subjected themselves to his sceptre, and are sons of the Russian Church, would, of course, always be regretted by our noble-minded Monarch; but, according to all the information I have gathered, it appears that neither along the coast, below 55 degrees, nor yet in the interior of the country at a great distance from the sea, are there any Settlements of the Company, nor any natives professing the Russo-Greek faith; at the same time our apprehended retirement to the north is, I venture to opine, not very probable.

Having thus denoted (as far as the secrecy necessary in diplomatic negotiations permitted) the present position of our negotiations with England, I hasten to inform your high Excellency and the whole Board of Management of the Company that the other negotiation concerning its affairs with the North American Republic has been brought to a conclusion, and with the success desired. The Convention concluded on the 5th April, 1824, and herein inclosed in copy for your information, contains the ratified conditions mutually consented to, and these are, in my opinion, reciprocally and completely satisfactory. In Article III the United States recognize the sovereign power of Russia over the western coast of America, from the Polar Seas to 54° 40′ of north latitude; while we, on our part, promise not to found Settlements below this parallel, as a matter of course only in those places and without extending this provision to the Colony of Ross, far distant to the south. By Article II the States bind themselves not to allow their citizens and subjects to land at Russian Colonies without the distinct permission of the local authorities. Article I provides that Americans will not sell to the wild natives of the region belonging to us either strong liquors, so baneful to those

*Sic. It was doubtless intended to refer to Article V.

sia any strong liquors, the cause of all evil among unenlightened peoples, and, what is still more important, they agree to abstain from selling them any fire-arms. Hereby we have been fortunate enough to abolish, by means of diplomacy, at one stroke the principal cause of all disorders and bloodshed in that distant country, and we have thus laid the foundation for the peaceable existence of our Colonies. In Article IV we permit the American States to carry on, for a period not exceeding ten years, trading and fishing in localities situate within our possessions. To this clause, advantageous to them, our Cabinet found itself obliged to consent for two very important reasons. First, because the Government of the North American Republic, not unreasonably, demanded an equivalent for the great advantages
31 conceded to us in other Articles of the Convention, especially those of Article V. Second, because the Americans had been for some time engaged in this trade and fishery, which the Company has thus far been unable to prevent them from doing; and because, on the other hand, it was much better that they should accept as a special and temporary privilege from our hands what they might come to look upon as a natural right in course of time; since now the Americans acknowledge officially that at the expiration of a few short years we have the legal power to entirely prohibit trading and fishing in that region.

The Emperor has deigned to approve the Articles of the Convention by which the demands and interests of both Contracting Parties have been considered as much as possible. A close scrutiny of this Convention must lead to the conclusion that under its provi-

ignorant people, or, which is of still greater importance, weapons of any kind. In this manner, after fifteen years of long-protracted and fruitless endeavours, having now happily attained the object of a difficult negotiation, we have for ever removed the chief cause of those disorders, quarrels, and bloodshed which have hitherto prevailed in that region, I would go further, and say that by this, perhaps, the first solid foundation has been laid to the peaceful existence of our Colonies. In Article IV we allow the American States, though for no longer than ten years, to trade and fish in places within our dominions; to this proviso, so advantageous to them, our Cabinet was obliged to consent on two considerations of equal cogency. Firstly, because the Government of the North American Republic—not without foundation—demanded remuneration for the very considerable advantage afforded us under other stipulations of the Convention, especially by the conditions of Article V. Secondly, because the Americans have already for many years past carried on this trade and fishing, which the Company to the present time cannot find means to oppose; and, of course, it is more reprehensible for the Company to allow them to benefit by these pursuits as they have hitherto done by, as it were, a natural and an indefeasible right, than that they should carry them on by permission granted them by us in a solemn Convention, as through this the Americans as solemnly recognize that after the expiration of the few prescribed years we shall have the legal right to prohibit both trade and fishing in this region.

His Majesty the Emperor deigned to approve all the stipulations of the Convention, in which, so far as possible, are reconciled the demands and interests of both Contracting Parties. Having carefully examined this instrument, we have almost come to the conclusion that

sions our Colonies will acquire new strength. This Act may be looked upon as the beginning of the political existence and safety of the Colonies, since their relation to foreign Powers has been for the first time acknowledged and made patent to the world. The importance of this is evident, and the members of your Board will doubtless realize to its fullest extent this new great benefit bestowed upon them by their highest Protector, who, never losing sight of the true interests of his beloved subjects, has thus by a stroke of his pen fixed their honourable status not only within his own dominions, but also in the eyes of all foreign Powers, and started you in the race of prosperity with all other nations of the civilized world.

I have the honour to be, with the greatest respect, and with the best intentions, your humble servant,

(Signed) Count NESSELRODE.

by means of it our Colonies are the greater gainers. It is in a certain sense the commencement of their political existence and safety, inasmuch as now, for the first time, are determined their relations to foreign States. The importance of this is evident, and the members of the Russian-American Company will undoubtedly appreciate in the fullest measure this new great benefaction of their august Patron, who so indefatigably labours for their good by protecting the rights of his beloved Russian subjects not only with all the might of our Empire, but by, perhaps, for him more precious power, that of respect and confidence which the undeviating course of his policy serves to instil into all Governments and nations of the civilized world.

I have the honour to be, with perfect respect and similar devotion, your high Excellencys obedient servant,

The original is signed by—
Count NESSELRODE.

APRIL 11, 1824.

No. 13.

Letter from the Minister of Finance to the Board of Administration of the Russian-American Company. Written from St. Petersburg, September 4, 1824.

The letter transmitted to me on the 12th June by the Directors of the Company, containing their remarks on the possible consequences of the Convention concluded on the 5th April of this year, between our Court and the North-American Republic, I have submitted to the Minister of Foreign Affairs in the original. I have now received from him in reply a copy of the proceedings of a Special Committee appointed to consider the subject. The proceedings of this Committee have received the most gracious approval of His Imperial Majesty,

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No. 13.

Letter from Minister of Finance to the Board of Administration of the Russian-American Company. Written from St. Petersburg, September 4, 1824.

The communication of the 12th June, 1824, presented to me by the Directors of the Company, containing their remarks on the consequences which may result from the ratification of the Convention concluded 5th April, 1824, between our Court and the North American Republic, was communicated by me at that time in the original to the Minister in charge of the Ministry of Foreign Affairs. Having now received from him the information that the recorded Protocol of the proceedings of the Special Committee which examined this subject

and I am now authorized to lay before the Board of Administration a copy of these proceedings, together with an accompanying letter from Count Nesselrode, dated the 21st July of this year; all of which I trust will prove satisfactory to the Board of Managers and shareholders of the Company.

32

From these documents the Board of Administration will ascertain that the Company's representations have met with due consideration, and that instructions have already been forwarded to the Imperial Ambassador at Washington to the effect that the extent of coast thrown open to subjects of the North-American States for the purpose of trade and fishery is limited in the south by latitude 54° 40′ north, and in the north by the Bay of Yakutat (or Bering Bay). At the same time, I am authorized to state that it is the intention of His Majesty the Emperor to afford full protection to the Company's interests in the pursuit and catch of fur-seals, sea-otter, and all other marine animals.

(Signed)
Lieutenant-General KANKRIN,
Minister of Finance.
Y. DRUSHININ,
Director.

No. 14.

Abstract of Communication from Count Nesselrode, Minister of Foreign Affairs, to the Minister of Finance. Written from St. Petersburg, August 18, 1824.

I consider it my duty to inform your Excellency that His Imperial Majesty has most graciously deign-

by Imperial order has received the full and entire approval of His Imperial Majesty, I think it necessary to communicate to the Board of Administration of the Russian-American Company, for their information, copies of the above-mentioned communication of Count Nesselrode to me, and also the proceedings of the Committee of the 21st July, 1824, inclosed in it, together with a draft of a communication to me, prepared by his Excellency; which was also read in the above-named Committee and was left unsigned after it had been given final consideration.

From these documents the Board will see that, for the avoidance of all misunderstandings in the execution of the above-mentioned Convention, and in conformity with the desire of the Company, the necessary instructions have already been given to Baron Tuyll, our Minister at Washington, to the effect that the north-western coast of America, along the extent of which, by the provisions of the Convention, free trading and fishing are permitted subjects of the North American States, extends from 54°40′ northwards to Yakutat (Bering's) Bay.

(Signed)
Lieutenant-General KANKRIN,
Minister of Finance.
Y. DRUSHININ,
Director.

No. 14.

Abstract of Communication from Count Nesselrode, Minister of Foreign Affairs, to the Minister of Finance. Written from St. Petersburg, August 18, 1824.

I deem it my duty to inform your Excellency that His Majesty the Emperor has been graciously pleas-

ed to agree fully and completely with the opinion of the majority of the members of the Committee appointed by His Majesty to consider the interests of the Russian-American Company in connection with the Convention of the 5th (17th) April of this year, in which opinion your Excellency has also been pleased to concur.

Consequently, I hereby forward a copy of the proceedings of the Committee, and I have the honour to inform you, most gracious Sir, that instructions have already been forwarded to our Ambassador in conformity with the conclusions reached by the members of the Committee.

I must not omit to add, also, a copy of my humble opinion on the complaints of the Russian-American Company presented to His Majesty at your Excellency's request.

I flatter myself with the thought that these documents will convince you, most gracious Sir, as well as the Board of Administration of the Russian-American Company, that it is His Majesty's firm determination to protect the Company's interests [in the catch and preservation of all marine animals, and to secure to it all the advantages to which it is entitled under the Charter and privileges.]

ed to give his full and entire approval to the opinion of the majority of the members of the Committee appointed by His Majesty to examine the observations presented by the Russian-American Company on the Convention of the 5th (17th) April of this year, in which opinion your Excellency was also pleased to concur.

Therefore, in inclosing with this a copy of the Protocol of the deliberations of the Committee, I have the honour to inform your Excellency that instructions in entire conformity with the conclusions contained in that Protocol have been sent to our Minister, Baron Tuyll.

I also inclose with this a draft of a communication to your Excellency, written by me by order of the Emperor, concerning the complaints of the Russian-American Company.

I cherish the hope that this document will enable your Excellency, in communicating to the Company the resolution of His Imperial Majesty, to prove to it that the Government has never lost sight of its interests.

[Inclosure in No. 14.]

Proceedings of the Conference held July 21, 182-.

Count Nesselrode opened the Conference by a detailed explanation of the present status of the business most graciously submitted to the consideration of the Committee by His Majesty the Emperor. He referred to the paragraphs or Articles of the Agreement concluded with the Minister of the United States concerning the north-west coast of
33 America, and also to the representations made and protests presented against this Act by the Russian-American Company in two communications submitted to the Minister of Finance and to the Minister of Foreign Affairs.

Count Nesselrode opened the Conference with a statement as to the present condition of the matter intrusted by His Majesty the Emperor to the investigation of the assembled Committee.

He called attention to the Articles of the Treaty concluded with the Minister of the United States concerning the north-west coast of America, and to the remonstrances which had been made against that Act by the Russian-American Company in two letters communicated by the Minister of Finance to the Minister of Foreign Affairs. Finally, he presented a draft of a communication which he in-

Finally, he submitted a project which had been presented for discussion in the name of his Excellency Lieutenant-General Kankrin, inclosing also the reply from the Minister for Foreign Affairs to the above-mentioned representations. This project, having been submitted to His Majesty the Emperor, has met with highest approval. At His Majesty's wish the matter was now laid before the members of the Committee for their consideration.

During the reading of these papers, to which was added a copy of the two letters of the Russian-American Company, the members directed their greatest attention to the causes, reasons, and risks, as explained by the Company, as well as the reasoning which had led to the conclusion of the Convention, together with the statement of the Plenipotentiary of the Washington Cabinet. Due attention was also paid to the means pointed out by the Imperial Ministers as most practicable and available to prevent evil consequences and unjust dispute. By a majority of votes the members of the Committee agreed upon the following:

1. That the Agreement of the 5th (17th) April establishes for Russia rights which heretofore had been in doubt; that on the strength of this Agreement these rights had been acknowledged by the Government which would have been most benefited by contesting them, and which could most easily have injured us; that by means of this Agreement the undisputed sovereignty of Russia has been established even beyond the point mentioned in the original privileges and Charter granted to the Russian-American Company.

2. That through the absolute prohibition of trade in arms, ammunition, and strong liquors with the inhabitants of the north-west coast, established by this Agreement, the Russian-American Company has secured an amount of protection for which it has repeatedly clamoured, but which it has not heretofore attained.

3. That this last consideration is all the more important because such prohibition, affecting only Russia, prevents disturbances and open hostilities among the native tribes inhabiting our possessions, while at the same time it makes profitable trade on the part of foreigners within our domain impossible.

4. That the Agreement of the 5th (17th) April contains also another not less important point, namely, the agreement on the part of the Americans to establish no Settlement on the north-west coast above latitude 54° 40′. By this concession alone our own territorial claim is placed upon a permanent basis.*

tended to forward to Lieutenant-General Kankrin, in which were inclosed the replies of the Minister of Foreign Affairs to the above-mentioned remonstrances. This draft, having been laid before His Majesty the Emperor, has received the Imperial approval; but His Imperial Majesty imposes upon the members of the Committee the duty of again examining it.

After the reading of this document (which is annexed to the present Protocol, together with the two letters from the Russian-American Company) the deliberations were opened. The members turned their chief attention to the causes of the fears expressed by the Company, as well as to the reasons which spoke in favour of the Convention concluded with the Plenipotentiary of the Washington Cabinet; and also to the means which the Imperial Ministry thinks best calculated to prevent all injurious and unjust interpretations. The members of the Committee agreed by a majority of votes to the following Resolutions:

1. That the Treaty of the 5th (17th) April confirms to Russia rights which have hitherto been called in question; that by virtue of that Treaty those rights are acknowledged by the Government which could dispute them with great advantage and violate them with great ease; that by it the undisputed possessions of Russia are henceforward extended even beyond those boundaries within which the Russian-American Company was required under its original Charter to carry on the trading privileges granted to it.

2. That since by this Treaty the strict prohibition of the sale of arms, munitions of war, and spirituous liquors to the natives of the north-west coast is put into effect, the American Company acquires by it the protection which it has always valued so highly, but which it has hitherto never been able to obtain.

3 That this last provision is the more important, because such a prohibition, if promulgated on the part of Russia alone, would either draw upon her disagreeable consequences and the most unpleasant embarrassments, or would not accomplish its object, in consequence of the lack of means necessary for the prevention of its violation and for the repression of prohibited traffic.

4. That the Treaty of the 5th (17th) April contains another not less important guaranty, namely, that the Americans will not establish Settlements on the north-west coast above 54° 40′. By this provision all the Settlements hitherto founded by the Russian-American Company above 57° are placed on a firm basis,

*The southernmost Settlement now occupied is situated in latitude 57°; consequently this Agreement will enable them to locate new stations further to the south.

5. That one of the most important points of the Agreement, and one of very great advantage to Russia, lies in the assurance that at the expiration of ten years the subjects of the United American States will cease altogether to navigate the waters of the north-western coast above latitude 54° 40′, and to carry on their fishery and trade with the native inhabitants. If, on the one hand, it could not be supposed that the States would willingly agree to such a concession without any corresponding advantage, on the other hand, all that the Imperial Ministry had desired or demanded will be accorded and fulfilled at the end of a few years as specified.

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6. Concerning the influence which the Agreement concluded on the 5th April may have upon Russia's trade with China, it is necessary to consider that in this trade there is invested on both sides a capital of 50,000,000 roubles, of which only 800,000 roubles fall to the Russian-American Company's share, and even if the Company could bring to Kiakhta a much greater number of furs, otters, and fur-seal, it would be found impossible to dispose of them, and they would fill the market to the injury of other goods. At any rate, viewing the limited scope of its trade, it cannot be considered that the Agreement of the 5th (17th) April can in any way injure the trade of Russia with China.

7. That since the sovereignty of Russia over the shores of Siberia [and America], as well as over the Aleutian Islands [and the intervening seas], has long since been acknowledged by all Powers, these coasts, islands, [and seas] just named could not have been referred to in the Articles of the above-mentioned Convention, which latter concerns only the disputed territory on the north-west coast of America and the adjoining islands, and that [in the full assurance of such undisputed right] Russia has long since established permanent Settlements on the coast of Siberia as well as on the chain of the Aleutian Islands; consequently, American subjects could not, on the strength of Article II of the Convention of the 5th (17th) April, have made landings on the coast or carried on hunting and fishing without the permission of our Commanders or Governors. These coasts of Siberia and of the Aleutian Islands are not washed by the Southern or Pacific Ocean, of which mention is made in Article I of the Convention, but by the Arctic Ocean and the Seas of Kamchatka and Okhotsk, which, on all authentic Charts and in all geographies, form no part of the Southern or Pacific Ocean.

and it is permitted to continue to found new ones under parallels farther to the south.

5. That it is not less advantageous to Russia to be assured by a mutual and amicable Convention that after the expiration of ten years the subjects of the United States of America will abstain entirely from visiting the waters of the North American coast beyond 54° 40′, and from fishing and from trading there with the native inhabitants; for, on the one hand, it would be impossible to suppose that the States would voluntarily consent to such a concession without any compensation whatever, and, on the other hand, all the wishes expressed to the Imperial Ministry are thereby fulfilled after the expiration of a certain period.

6. That as regards the influence, however, which the Treaty concluded on the 5th April might exert on the trade of Russia with China, it must be remarked that in this trade on both sides a capital of 50,000,000 roubles is invested, and that the Russian-American Company participates in it only to the extent of 800,000 roubles, or thereabouts; that even if it brought to Kiachta a larger quantity of furs, otter-skins, and seal-skins, it would not be able to dispose of them, or would cause material injury to other exported goods by glutting with its merchandize a market which is already very limited, owing to the nature of its trade, and that consequently the Treaty of the 5th (17th) April can in no respect injure the trade of Russia with China.

7. That as the sovereignty of Russia over the coasts of Siberia and the Aleutian Islands has long been admitted by all the Powers, it follows that the said coasts and islands cannot be alluded to in the Articles of the said Treaty, which refers only to the disputed territory on the north-west coast of America and to the adjacent islands; that even supposing the contrary, Russia has established permanent Settlements, not only on the coast of Siberia, but also on the Aleutian group of islands; hence American subjects could not, by virtue of the second Article of the Treaty of the 5th (17th) April, land at the maritime places there nor carry on sealing and fishing without the permission of our Commandants or Governors. Moreover, the coasts of Siberia and the Aleutian Islands are not washed by the Southern Sea, of which alone mention is made in the Ist Article of the Treaty, but by the Northern Ocean and the seas of Kamchatka and Okotsk, which form no part of the Southern Sea on any known Map or in any Geography.

8. In conclusion we must not lose sight of the fact that the Convention of the 5th (17th) April settles all disputes to which the Edict of the 4th (16th) September, 1821, gave rise; an Edict issued at the formal and repeated request of the Russian-American Company. These disputes have become of considerable importance, and might be renewed again if Russia should fail to uphold the Convention, and in that case it would be impossible to foresee the end or the consequences. These weighty reasons induce a majority of the members of the Committee to record their opinion: "That the Convention of the 5th (17th) April must be sustained, and that, in order to avoid an unnecessary and unjustifiable altercation over this Act, General Baron de Tuyll should, at the proper time, offer a declaration pursuant to the project suggested in the communication of Count Nesselrode." The Minister of Finance and Actual State Councillor Drushinin agreed as to the necessity of sustaining the Convention of the 5th (17th) April, but they presented and spread upon the Minutes a special opinion, here appended, to the effect that Baron de Tuyll should, on the exchange of ratifications, demand that the privilege of free trade and fishery, granted by Article IV of the said Convention, should extend only from latitude 54° 40′ to the latitude of Cross Sound.

A majority of the members of the Committee remarked that since within the designated latitudes the Russian-American Company possessed many Settlements, the IInd Article of the Convention of the 5th (17th) April would afford them the desired protection, and if nothing could be done in those regions but hunting and fishing, it would be exceedingly doubtful whether American citizens would incur the risk and expense of navigation for the purpose of carrying on trade which gave such small promise of reward for outlays in those high northern latitudes, in which they could enjoy their privileges for ten years only, and where, at any rate, they would in hunting and fishing meet with the active competition of the Company which had preceded them in those waters by so many years.

On the other hand, it would appear that the limitation contained in the opinion of his Excellency the Minister of Finance and of the Actual Councillor of State Drushinin would put an end to the complaints of the American Company, and consequently the majority of the Committee found it necessary to examine further into the character of the limitations, in order to ascertain to what extent they may be adopted without infringing upon the rights and advantages resulting to Russia from the Convention of the 5th (17th) April.

8. Lastly, we must not lose sight of the fact that by the Treaty of the 5th (17th) April all the disputes to which the Regulations of the 4th (16th) September, 1821, gave rise are terminated, which regulations were issued at the formal and reiterated request of the Russian-American Company; that those disputes had already assumed important proportions and would certainly be renewed if Russia did not ratify the Treaty, in which case it would be impossible to foresee the end of them or their consequences. These weighty reasons impel the majority of the members of the Committee to state as their opinion:

That the Treaty of the 5th (17th) April must be ratified, and that for the prevention of any incorrect interpretation of that Act, General Baron Tuyll may be instructed at the proper time to make the declaration mentioned in the draft of the communication read by Count Nesselrode.

The Minister of Finance, and Acting State Councillor Drushinin, while admitting the necessity of ratifying the Treaty of the 5th (17th) April, express and place on record the special opinion hereto annexed in the Protocol, to the effect that Baron Tuyll should be instructed at the exchange of the ratifications of that Treaty to stipulate that the right of free hunting and fishing granted by the XIIth Article of the said Treaty shall extend only from 54° 40′ to the latitude of Cross Sound.

The majority of the members of the Committee could not but observe, on the one hand, that, as the Russian-American Company has founded many Settlements in the said latitude, Article II of the Treaty of the 5th (17th) April gives it the desired security on this subject; that even if it had simply organized hunting and fishing in those regions it is extremely doubtful whether American subjects would undertake the expense necessary for voyages to those northern latitudes, in which they can enjoy their privileges for only ten years, and whether in that case they would expose themselves to dangerous competition and would visit those waters for hunting and fishing, where they had long been anticipated by the Company, as there would be little hope for them of indemnifying themselves for their expenses and losses.

But seeing, on the other hand, that the restrictions stated in the opinion of the Minister of Finance and of State Councillor Drushinin put an end to all the complaints of the American Company, the majority of the members of the Committee have found it necessary to investigate the nature of those restrictions, in order to ascertain how far it is possible to insist upon them without prejudice to the rights and advantages accruing from the Treaty of the 5th (17th) April.

Since the proposed limitation designates two different points, situated under different degrees of latitude, namely:

1. The Bay of Yakutat (Bering Bay), on the parallel of 59° 30′;

2. The Bay or Strait of Krestnoi (Cross Sound), on the parallel of 57°;

the Russian-American Company desires that the subjects of the United States be prevented from fishing or hunting at those two points; but the majority of the members of the Committee are of the opinion:

As to the first of these points (Bering Bay), it is situated under a latitude where Russia's rights have never been a subject of dispute, and this important circumstance leads us to the conclusion that it is rightly covered by the general declaration concerning the Aleutian Islands and other northern localities. With regard to the second, however (Cross Sound), which is situated under latitude 57°, and consequently forms part of the coast and islands to which Russia's right has been disputed, it would be impracticable to apply to it the same rule, unless some other valid reasons are produced upon which to base such a demand.

In order to neglect no means by which the Government of His Imperial Majesty may give proof of its fatherly care of the interests of the Russian-American Company, General de Tuyll should be instructed to use every means at his command to persuade the Washington Cabinet that, in favoring the limitation about to be proposed relating to Cross Sound, there is no intention or desire to give any provocation for further dispute between the two Powers.

And General de Tuyll should be given to understand that the recognition of the undisputed primary right of Russia in those regions is of supreme importance, not in any way to be compared with the later and comparatively trivial concessions of the Convention with the Government of the United States, concluded the 5th (17th) April, and that it must, under all circumstances, be sustained.

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This opinion was finally unanimously agreed upon by all the members of the Committee.

(Signed) NESSELRODE.
G. L. KANKRIN.
SPERANSKY.
DRUSHININ.
POLETICA.

ST. PETERSBURG, *July 21, 1824.*

As the proposed restrictions refer to two chief points lying under different parallels of latitude, namely:

1. To Yakutat (Bering's) Bay, under parallel 59° 30′;

2. To Cross Bay or Sound (Cross Sound), under parallel 57°;

the American Company desires that subjects of the United States may not be permitted to hunt or fish in those bays; therefore, the majority of the members of the Committee resolve:

That, as regards the first of these points (Bering's Bay), it lies in a latitude where the rights of Russia have never formed a subject of dispute, and that this important circumstance permits us to include it in the general declaration concerning the Aleutian Islands and the other northern places.

That, as regards the second (Cross Sound), however, as it lies under the 57th degree of north latitude, and consequently within the limits of those islands and regions to which Russia's right of sovereignty has been disputed, it is impracticable to apply the same rule or to base the claim, of which it must be the subject, on any other satisfactory proof.

That, apart from this, in order to exhaust all the measures showing the care of the Government of His Imperial Majesty for the interests of the Russian-American Company, it is still possible to instruct General Tuyll to use every effort to persuade the Washington Cabinet that, by accepting this restriction relating to Cross Sound, it will prevent all unpleasant collisions between the subjects of the two Powers. That General Tuyll must not, however, make this last proposition until he is convinced that it will be accepted, and that it will not deter the Government of the United States from ratifying the Treaty of the 5th (17th) April.

This Resolution was unanimously adopted by all the members of the Committee.

(Signed) NESSELRODE.
G. L. KANKRIN.
SPERANSKY.
DRUSHININ.
POLETICA.

ST. PETERSBURG, *July 21, 1824.*

No. 15.

From the Board of Administration of the Russian-American Company to Captain of the First Rank and Knight Ivan Antonevitch Kuprcianof. Written from St. Petersburg, March 31, 1840.

From your despatch No. 114 of the 20th April, we learn that you have requested the Creole Shayashnikof to express his opinion as to when you may begin taking a full catch of fur-seals on the Island of St. Paul, and when you may establish a close season on St. George and the Commander Islands. The Board of Administration respectfully requests that you will in every respect act in accordance with the opinions of Shayashnikof, who possesses a thorough knowledge of this industry. At the same time, you will bear in mind that we look upon the fur-seal catch as the most important item of our colonial enterprises, which must be preserved at all hazards, even to the temporary neglect of other resources. Everything must be done to prevent a decrease or extermination of these valuable animals.

(Signed) N. PROKOFYEF,
N. KUSOF,
A. SEVERIN,
Directors.

No. 15.

Board of Administration of the Russian-American Company to Captain Ivan Antonovitch Kuprcianof, &c., Chief Manager of the Russian-American Colonies.

(No. 63.) MARCH 31, 1840.

This Board learns from your despatch No. 114 of the 20th April that you have asked the boatman Shaiashnikof to state when, in his opinion, it will be possible to begin taking a full catch of seals on the Island of St. Paul, in order to establish a close time for sealing on St. George and the Commander Islands. The Board requests you to pay great attention to the opinion of Shaiashnikof, who is a man of considerable experience, and to act upon it, remembering that the chief object to be aimed at should be the improvement of the sealing industry, and the prevention of the extermination of the seals.

(Signed) N. PROKOFIEF,
N. KUSOF,
A. SEVERIN,
Directors.

(Signed) BAJENO [?],
Acting Chief Clerk.

No. 16.

Letter from the Board of Administration of the Russian-American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof, Acting Chief Manager. Written from St. Petersburg, March 20, 1853.

From the despatches of the Board of Administration, dated the 12th April and 16th November, 1851,

No. 16.

Letter from the Board of Administration of the Russian-American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof, Acting Chief Manager. Written from St. Petersburgh, March 20, 1853.

From the despatches of the Board of Administration, dated the 12th April and 16th November, 1851,

and the 2nd April, 13th May, and 23rd September, 1852, your Excellency must have perceived that one of the principal objects on the part of the Board of Administration has been to make the best possible arrangements for regulating the navigation of the vessels belonging to our colonial fleet. During the last few years this part of our manifold duties has not always been attended to with due regard to the best interests of the Company, and consequently a few of the vessels have been detained in harbours for prolonged periods, while others have been con-
37 stantly employed and intrusted with duties for which they were but ill fitted, returning to New Archangel late in the season and at the most dangerous time of the year.

With a view to remedy this defect, the Board of Administration has now agreed upon a system of employment for our various vessels which is to be strictly followed in dispatching our colonial vessels upon their annual or semi-annual voyages in the summer and winter season under normal circumstances. This system will be strictly adhered to by the Chief Managers of the Colonies, unless unforeseen circumstances arise which would make this observance inconsistent with the Company's interests.

For the season of 1853 the colonial fleet will consist of eight sailing-vessels, of which number the larger ones are: the "Czarevitch," the "Nikolai I," the "Kadiak," and the "Shelikof;" and the smaller ones: "Menshikof," "Konstantin," "Okhotsk," and "Tunguss;" and since the "Czarevitch," which is to leave the Colonies in the autumn of 1853, will be relieved by the "Sitka," of 700 tons, now in course of construction, and which is to sail for New Archangel in 1853, the number of the Company's ships in colonial waters will remain the same. Consequently, Nos. 525 and 1478, and those of the 2nd April, 13th May, and 25th September, 1852, Nos. 447, 682, and 1219, your Excellency will see that it has been one of the chief aims of the Board of Administration to make the best possible arrangement of the voyages of the vessels of the colonial fleet, since of late that arrangement has been made without sufficient reference to the true interests of the Company, and hence some vessels have frequently been kept lying idle in port, and others have received such confused instructions that they would often be unable to execute them all, or would return to New Archangel at the very latest and most dangerous time of the year.

Bearing in mind the fact that the approaching voyages of the colonial fleet are well arranged, and that they are repeated every year with only slight variations, the Board of Administration has found it possible and expedient to establish a regular schedule for the voyages of the colonial fleet, for the navigation of both the summer and winter months, and to transmit it to the Colonial Government for its guidance and execution, leaving it, however, to the discretion of the Chief Manager of the Colonies to deviate from this schedule on those occasions when, owing to local and unforeseen circumstances, it appears to the interest of the Company to do so.

In the performance of the voyages of 1853 in the Colonies there will be employed eight sailing-vessels, of which the following are of the first class: The "Cesarevitch," the "Nicholas I," the "Kadiak," and the "Shelekoff;" and the following of the second class: the "Menshikoff," the "Constantine," the "Okotsk," and the "Tungus;" and, as in exchange for the ship "Cesarevitch," which has to be sent back from the Colonies in 1853, the ship "Sitka," of 700 tons, which is now being built, will enter into the composition of the colonial fleet of 1854, and will

the summer season, comprising the months from April to October, will give employment to eight ships, while in the winter season, from October to April, we can keep seven vessels running, without counting the whale-ships of our Company, the number of which will probably reach four.

For the summer season of 1854 the voyages of our vessels should be arranged in the following manner:

1. One of the smaller vessels, perhaps the brig "Konstantin," should sail from Sitka about the middle of April with supplies for the Islands of Atka and Attu, and for the Kurile district, taking the furs from these islands to the port of Ayan, where the brig should arrive not later than the middle of July. On this vessel there should be an official of the Company intrusted with the inspection of the Company's stations in the districts of Atka, the Kurile Islands, and Kamchatka. [This agent must observe and keep a record of all foreign ships seen during the voyage, and of the position of the same when observed, for the information of commanders of our armed cruisers and of the colonial authorities in Sitka, Kamchatka, and Ayan.]* This vessel should set out upon the return voyage at the end of August or the beginning of September, following its previous course, and returning to New Archangel with the agent, [who is to repeat the observations prescribed for the outward voyage.]

be sent to New Archangel in 1853. In the establishment of constant communications around the world the number of the Company's vessels in the Colonies will always remain the same, that is to say, in the summer months, from April to October, there will be eight, and from October to April seven vessels, without counting the whaling-vessels, the number of which, by rough estimate, will be increased to four.

Hence the movements of the colonial fleet during the summer navigation, beginning in 1854, may be arranged in the following manner:

I. One vessel of the second class—for instance, the brig "Constantine"—must be dispatched from Sitka about the middle of April with supplies for the Island of Atka, or Atta, and for the Kurile district, to bring goods from those islands to Ayan, where the vessel must arrive not later than the middle of July. By this same vessel there may be dispatched and landed the Company's agents sent for inspection to Kamchatka, where the vessel can stop on its passage from the Atka district to the Kurile district, without losing much time, at the most important period for the Kamchatka trade, the middle of May, that is to say, by the time of the arrival there of the vessel coming around the world.

On arriving at Ayan this vessel will be placed at the disposal of the Governor of the port of Ayan to maintain communication with Petrovsky, and, in future, until a vessel has been built specially for that port, for voyages with merchandize and for trade with Gishig and the other ports of the Sea of Okotsk. At the end of August, or early in September, this vessel will be sent back with the despatches last received and with goods for the Kamchatka trade, and will re-

* By observing these Rules the furs from the Atka and Kurile districts will always reach Ayan in time for transportation to Yakutsk, and will not have to be carried to New Archangel, as has been done in late years, for shipment to the port of Ayan in the following year. Under the old system the furs needlessly incur twice the risk of carriage by sea.

38 2. One of the larger vessels should leave the port of New Archangel for Ayan not later than the 15th May, to arrive at the latter port at the end of June. This ship, which must be armed, will carry passengers, stores, and supplies for our Asiatic stations. [On the outward voyage the course of this vessel should be laid to the northward of the chain of the Aleutian Islands, in order to meet foreign ships entering Bering Sea, and to warn them against cruizing in pursuit of whales in the vicinity of the seal islands of the Pribilof and Commander groups.] At the beginning of August the ship should return to New Archangel, with cargo and passengers from Siberia, cruising in search of foreign vessels on the way. During the detention of this vessel in the port of Ayan, its commander will place himself under the orders of the local colonial authorities in all cases of emergency, or of infringement of the Company's rights and privileges, for which purpose the local commanders are furnished with special instructions.

3. A second small vessel, the swiftest of the fleet, probably the "Menshikof," with a naval crew, and commanded by a naval officer, must sail from Sitka at the end of April for the sole purpose of watching the foreign whale-ships in the southern part of Bering Sea and along the chain of the Aleutian Islands. On this vessel supplies may be forwarded to Copper and Bering Islands, and, perhaps, to Attu and Atka, in case this should not have been accomplished by the first vessel, referred to under No. 1 of this despatch. On this vessel also should be placed one of the higher officials of the Company, turn to New Archangel, stopping on its way only in the Kurile district, if it has landed an Inspector there, and at the port of Petropaulovsky.

II. One vessel of the first class, preferably the one which will come around the world from Europe that year, will be sent with the annual cargo of goods and with the spring mail direct to Ayan. This vessel must be sent early in May, and in no event later than the 15th May, in order that it may arrive at Ayan by the time of the opening of the harbour at the end of June. On this vessel there must be sent to the port of Ayan passengers, if there are any, salt, flour, and other cargo, specially for that port and for the places dependent upon it. This vessel will remain at Ayan until the end of July or the early part of August, and will return direct to New Archangel with the Siberian cargo, the principal mail, and with passengers, if there should be any. During the stay of this vessel at the port of Ayan the Governor of that port must be allowed, on extraordinary occasions, to employ it for the transportation of men and goods to Petrovsky, and therefore instructions in conformity with this must be given to the captain of this vessel.

III. A second-class vessel, a fast sailer—for instance, the ship "Menshikoff"—with a naval crew, and under the command of a naval officer, will be sent at the end of April to cruize and to keep a watch over the foreign whaling-vessels in the southern part of Behring Sea and along the Aleutian group. On this vessel will be sent supplies for Copper and Behring Islands, and also for Atta, or Atka, if it is found necessary and does not interfere with the movements of the first small vessel (section I of this despatch). On this vessel, also, in case of necessity, there will be sent inspectors to the

with the powers of an inspector and general agent. This vessel must be kept cruizing constantly over the waters mentioned above, and must not enter any of the harbors except for the purpose of obtaining water and wood, on which occasions the stay of the vessel must be limited to the briefest possible period. Each of the above-mentioned islands must be visited by this cruizer at least twice during the season. The first time for the purpose of landing supplies, mails, and the inspector; the second time to receive the furs obtained, reports, mail, and the inspector. The commander of this cruizer is strictly prohibited from remaining at anchor during the progress of inspection, as it would be better to call at the islands several times than to remain idle in port. The conclusion of this cruizing voyage depends upon the time at which the foreign whale-ships leave Bering Sea, which is probably at the end of August or the beginning of September.

4. The third and fourth of the smaller vessels, *i. e.*, the "Okhotsk" and "Tunguss," are assigned to carry supplies to the redoubts and islands of the Kadiak district and to Unga Island, and to bring back furs. In order to still further insure the Kadiak district against scarcity of supplies, one of the larger vessels sailing in the spring may also take a partial cargo for Pablof Harbor.

5. The second large vessel must be employed to supply the islands of the Unalaska district, the Pribilof Islands, and St. Michael's Redoubt, and also to carry on intercourse with the coast tribes of Bering Sea, on the Asiatic as well as on the American coasts. Being first loaded with the supplies for St. Michael's and the goods intended for traffic with the savage tribes, this ship may take on subsequently an upper cargo of lumber and firewood for the Pribilof Islands and the Unalaska district, at which above-mentioned islands, and goods will be taken on it from there to New Archangel. This vessel must be kept continually cruizing throughout the district assigned to it, and may go into port, for a very short time only, for supplies of wood and water. This cruizer must visit the above-mentioned islands not less than twice every year; the first time for the delivery of supplies, mails, and inspectors, and the second time to take on board goods, reports, and inspectors. This cruizer must be strictly forbidden to await the termination of the inspection in port, as has formerly been done and if one and the same person is instructed to inspect two islands, it will be better to order the cruizer to visit those islands once more rather than lie idle in port. The time fixed for the termination of the Company's cruizing is that at which the foreign whalers leave Behring Sea, viz., the last part of August or the beginning of September.

39

IV. The third and fourth vessels of the second class, namely, the "Okotsk" and the "Tungus," will be designated to carry supplies to the forts and islands of the Kadiak district and to the Island of Inga, and to bring goods from them. For the better care of the Kadiak district a part of the supplies may be sent there by one of the large or small vessels early in the spring, in the month of March.

V. The second first-class vessel is intended to supply the islands of the Unalaska district, the Pribyloff Islands, and Fort Michael, and for trading with the natives on the coasts of Behring Sea, as also on the coasts of Asia and America. As vessels may be sent to that region very late, this vessel, after taking in supplies for Fort Michael and the goods intended for trading with the savages, may be dispatched somewhat earlier, and may also carry lumber and wood for the Pribyloff Islands and the Unalaska district when it may seem neces-

points mail and the most necessary supplies may be landed on the outward voyage, and furs picked up on the return trip. During the whole time of the presence of this ship in the northern part of Bering Sea and the vicinity of the Pribilof Islands, the commander must be charged with the duty of cruising in search of foreign whale-ships and of English vessels carrying on trade with our savages. This ship, also, must make no prolonged stay at any anchorage, and must be placed under the command of a naval officer, with a crew consisting principally of sailors of the navy.*

* * * *

7. The fourth large vessel of the fleet, [which may be used for voyages to Kamchatka, must also be fitted out as an armed cruiser and kept in readiness to proceed to any point in Bering Sea or in Siberian waters, from which the presence of foreign ships may be reported by the smaller vessels in the course of the season.*]

sary. The supplies and papers for the above-named places may be delivered on the way there, and the furs and the replies may be received on the return voyage. As at the time of the voyage to the northern part of Behring Sea this vessel will also do duty as a cruizer to keep watch over the foreign whalers and the Englishmen, with regard to the trade carried on by them with our savages, it must in no event waste any time, and must be under the command of a naval officer, and, if possible, have a naval crew.

VI. The third first-class vessel will maintain communication with California and the Sandwich Islands, carrying there lumber and salted fish, and bringing to the Colonies salt and other merchandize, if the purchase of such appears necessary and to the advantage of the Company. This vessel must in no case waste any time in foreign ports, but must, immediately after delivering the cargo furnished, if there is no return cargo in readiness for it, return to New Archangel in ballast. But the Colonial Government must make every exertion always to have a cargo ready for immediate dispatch to California or the Sandwich Islands, guiding itself by information received from the Company's agent at San Francisco. Short Reports (on the most important subjects) must be sent by this vessel on every trip, to be forwarded to the Board of Administration.

VII. The fourth first-class vessel will remain in reserve, and can be employed for carrying salt to Kamchatka in sufficient quantities to last several years; for transporting cargoes of lumber to California; for the inspection of the Colonies by the Chief Manager, &c. In those years when it becomes necessary to send to the islands of the Atka district more lumber than can be carried by a small vessel, the voy-

* The sixth and a portion of the seventh paragraphs being immaterial, have not been translated.

* * * *

In transmitting to your Excellency the above outlined plan for the employment of the colonial fleet, the Board of Administration respectfully requests that in case the interests of the Company require a deviation from our plans, your Excellency will never lose sight of the fact that [the interests of the Company are centered at the present time in the district surrounding the seal islands of the Pribilof and Commander groups], and that consequently the colonial waters must be visited by the Company's cruisers constantly and in every part, in order to watch and warn the foreign whalers. For this purpose detailed instructions have been formulated for our cruisers, as well as for the commanders of the whale-ships of the Company, which are obliged to serve in the capacity of cruisers when engaged in whaling in Bering Sea. In all cases the command of a vessel under orders to cruise in colonial waters must be given to naval officers, who will thereby find an opportunity to make themselves acquainted with the routine of colonial transactions, while at the same time their rank will give authority to our proceedings.

(Signed) V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
N. KUSOF,
Baron WRANGEL,
Members of the Board.

age ordered in section III of this despatch may be assigned to the large vessel, and the small vessel designated in that section may remain in reserve or receive special instructions.

* * * *

In communicating to your Excellency the above regular schedule of the voyages of the colonial fleet, the Board of Administration respectfully requests you, if the interests of the Company require any deviation from this schedule, to take special care that the large vessels, so far as possible, may never remain idle in port, but may be perpetually engaged in voyages of advantage to the Company; that the colonial seas, so far as possible, be visited in every part by the Company's cruizers, for the purpose of keeping watch over the foreigners, and for this purpose, in giving instructions to our cruizers, to conform yourself to the intended movements of the Company's whaling-vessels, which can also do duty as cruizers if they are carrying on their fishery in Behring Sea, and to provide that the Company's vessels designated for visiting the many islands of the Colonies be, so far as possible, under the command of naval officers, in order that they may become acquainted with the condition of colonial affairs, and may gradually fit themselves for performing the most important duties in the administration of the Colonies.

(Signed) V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
N. KUSOF,
Baron WRANGEL,
Members of the Board.

No. 17.

Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, Chief Manager of the Russian-American Colonies, to Master Benzeman, of the Imperial Navy. Written from the Colonies, June 20, 1861.

To Master Benzeman, of the Imperial Navy, commanding the steamer "Alexander the Second":

When your steamer is ready for sea, you will leave this port and carry out the following instructions:

1. You will proceed to the "Kenai Coal Mining Enterprise;" on arrival there deliver the accompanying package to the Commander, Mining Engineer Furuhelm, and immediately begin to take on as much coal as you can in addition to the cargo on board.

2. From English Bay you will proceed to the Island of St. Paul, where you will deliver your passengers, land the supplies, and take on local products for St. Michael's Redoubt. You will then proceed to the redoubt to land supplies and take on whatever cargo Manager Vakhrameief may have on hand.

3. On leaving St. Michael's Redoubt you will shape your course for the Island of St. Paul, where you must take on without fail a full cargo of fur-seal skins and local products such as oil and seal meat, and proceeding to the Island of St. George, take on in addition such products and furs as may have accumulated previous to your arrival there. Thence you will proceed to Unalaska, and furnish Manager Vlassof with such quantities of oil and seal meat as he may be in need of. You will then take on the furs on hand at Unalaska, and proceed to New Archangel.

4. During your visits to the above-mentioned points, you will receive all complaints submitted

No. 17.

Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, Chief Manager of the Russian-American Colonies, to Master Benzeman, of the Imperial Navy. Written from the Colonies, June 20, 1861.

To Master Benzeman, of the Imperial Navy, commanding the steamer "Alexander the Second":

As soon as the steamer is quite ready to sail, I request your Excellency to leave this port and to carry out the following instructions:

I. To proceed to the Kenai coal mines, and, on your arrival there, to hand the inclosed package to the Governor, Master of the Mines Furuhelm, and to take on the steamer as much coal as the space occupied by your cargo permits.

II. From English Bay proceed to the Island of St. Paul, whence, after landing your passengers, delivering the annual supplies, and taking on board the supplies for Fort Michael, you will proceed to that fort to deliver the supplies sent, and to take in there such cargo as will be indicated to you by Governor Vachramesvoi.

III. Leaving Fort Michael, you will direct your course to the Island of St. Paul, where you must immediately take on board a whole cargo of seal-skins, supplies, oil, and seal meat, and, stopping on your way at the Island of St. George to take on board goods and supplies which may be ready on the arrival of the steamer, you will proceed to Unalaska, and, after furnishing Governor Vlasoff, on his requisition, with supplies, oil, and seal meat, which you will bring expressly for that purpose from St. Paul, you will take in a cargo of such goods as may be ready at Unalaska, and then proceed to New Archangel.

IV. During the time of your said visits to those places you will listen to all complaints which may

to you, and, without making any decision whatever, submit them to me on your arrival at New Archangel.

5. At St. Michael's Redoubt Manager Vakhrameief will present to you two servants of the Company, Koshevnikof and Makurin, for punishment for disobeying the orders of the authorities [and for engaging in secret unlawful traffic with natives]; and I would suggest to you to punish them with rods, giving them twenty-five strokes each in the presence of the whole garrison of the redoubt.

6. Among the passengers on your steamer will be the Bishop of New Archangel, Peter, who goes to inspect the northern Missions. You will show his Eminence due attention and respect, and carry out his wishes as far as practicable.

7 During your stay at St.
41 Michael's Redoubt you will cause to be collected a quantity of driftwood and deliver the same on the Island of St. Paul.

8. If the Managers of the islands should present to you any employés who have served out their terms for transportation from the Colonies, you will take them on board. From the Island of St. Paul the carpenter, Parfentyef, will require a passage to Sitka.

9. It has come to my knowledge that in the present year two whaling-vessels have sailed from San Francisco for the purpose of trading on the Pribilof Islands [or of hunting in their vicinity]. Consequently, I would suggest that during your presence in those waters you will exercise the duties of an armed cruiser, [to prevent any unlawful acts on the part not only of these two vessels, but of any others which you may find in Bering Sea.

I trust that all the various duties intrusted to you will be carried out to my satisfaction, and that you will return without unnecessary loss of time.

be presented to you, and, without coming to any decision about them, you will report them to me on your arrival at New Archangel.

V. At Fort Michael two employés, Koshevnikoff and Makurin, will be presented to you by Governor Vachramesvoi for punishment for violation of Government Regulations and for disobedience, and I therefore advise you to punish each of them with twenty-five lashes in the presence of the whole command of the fort.

VI. The Bishop of New Archangel, Peter, will go by the steamer to inspect the Missions in the north. I request you to show his Reverence all due attention, and to comply with all his wishes.

VII. During your stay at Fort Michael take on board the steamer as much wood as you possibly can, and carry it to the Island of St. Paul.

VIII. If the Governors of the islands present to you employés who have served their time for transportation from the Colonies, you will receive them on board the steamer. The carpenter, Parfentef, must go from St. Paul to Sitka.

IX. It has come to my knowledge that two whaling-vessels had been sent this year from San Francisco to trade on the Pribyloff Islands. I therefore request your Excellency, during the time appointed for your voyage, to do duty as a cruizer on the exact basis of the instructions herewith inclosed, which have been approved by the Emperor.

I trust that you will execute the instructions given you to my satisfaction, and that you will return without much loss of time.

The crew and passenger lists of the steamer are hereby appended.

The issue of rum to your crew will be made under existing regulations.

A list of the crew and passengers of the steamer is herewith inclosed.

The issue of rum to your command will be continued in accordance with existing regulations.

[The portions of this paper not given were correctly translated in United States Case, Appendix, vol. i.]

No. 18.

Letter from the Department of Commerce and Manufactures to the Board of Administration of the Russian - American Company. Written from St. Petersburg, June 19, 1865.

The Council of State, after an examination of the proposal submitted by me concerning the revision of the Charter of the Russian-American Company and the organization of the Russian-American Colonies, directs, by a Resolution approved by the Emperor on the 14th June, that in the preparation of the new Charter for the Russian-American Company, and of the regulations for the government of the Colonies, the following principles shall be adopted:

1. The term of the privileges, rights, and obligations of the Company expires on the 1st day of January, 1882.

* * * *

8. Permission is given to bring into the ports of New Archangel, on the Island of Sitka, of St. Paul, on the Island of Kadiak, and into such others as may be subsequently found convenient for the purpose, all kinds of merchandize (except intoxicating beverages, powder, and arms) on board both Russian and foreign vessels.

9. Special regulations shall be prescribed concerning the importation of intoxicating liquors and the sale thereof in the Colonies, as well as the furnishing of arms and powder, such regulations to be of such a character as not to impose oner-

No. 18.

Letter from the Department of Commerce and Manufactures to the Board of Administration of the Russian - American Company. Written from St. Petersburg, June 19, 1865.

The Imperial Council, having considered the representation made by me with regard to the revision of the Charter of the Russian-American Company, and the organization of the Russian American Colonies, by its Resolution approved by the Emperor on the 14th June of this year, has recommended—

That the following principal basis be adopted in the preparation of the new Charter of the Russian-American Company and of the colonial management.

I. The term of the privileges, rights, and obligations of the Company extends to the 1st January, 1882.

* * * *

VIII. The importation of all kinds of articles of industry and commerce by Russian and foreign vessels is made free at the ports of New Archangel, on the Island of Sitka, at St. Paul, on the Island of Kadiak, and hereafter at others where it will be found desirable (with the exception of spirituous liquors, powder, and arms).

IX. With regard to the importation of spirituous liquors and their sale in the Colonies, and also the supplying the Colonies with arms and powder, it is recommended that special regulations be adopted, which, without oppressing the in-

ous restrictions upon the inhabitants, and at the same time to guard against abuses and injurious consequences.

* * * *

15. Every description of trade, except the fur trade, shall be free to all the residents of the Colonies and to all Russian subjects without distinction or limitation.

42 As regards the fur trade:

(*a*) Reserve to the Russian-American Company until the 1st January, 1882, the exclusive right of engaging in the fur trade within the following limits only: On the Peninsula of Alaska, taking for its northern boundary the line from Cape Douglas, in the Bay of Kenai, to the upper shore of Iliamna Lake; upon all the islands situated along the coast of that peninsula, namely, the Aleutian Islands, the Commander Islands, the Kurile Islands, as well as upon the islands situated in Behring Sea, and along the whole western shore* of Behring Sea. As regards the region stretching north-east of the Alaska Peninsula, along the whole of the coast up to the boundary-line contiguous with the possessions of Great Britain, and on the islands situated along that coast, including Sitka and the whole of the Koloshian Archipelago, and likewise on the continent of the northern part of America, the privilege of the Company to exclusively engage in fur trade shall be abolished. (*b*) All colonial residents and settlers who are Russian subjects shall be allowed to engage in the fur trade, under special regulations to be prescribed upon the subject in all the places within the Russian possessions wherein the exclusive right of the Russian-American Company is abolished as stated above. All other Russian subjects not permanent residents of the Colonies shall be free to trade with the natives

habitants, will prevent the abuse of them, with all their injurious consequences.

* * * *

XV. The prosecution of every kind of industry (except the fur industry) is permitted to all the inhabitants of the Colonies and to all Russian subjects, without distinction or restriction.

In relation, however, to the fur industry—

1. To secure to the Russian-American Company until the 1st January, 1882, the exclusive right to carry on the fur industry and the fur trade within the following limits only:

On the Peninsula of Alaska, reckoning as its northern limit a line drawn from Cape Douglas, in Kenia Bay, to the head of Lake Imiamna; on all the islands lying along the coast of that peninsula; on the Aleutian, Commander, and Kurile Islands and those lying in Behring Sea, and also along the whole western coast of Behring Sea; but to revoke in the district to the north-east of the Peninsula of Alaska along the whole coast to the boundary of the British possessions, also on the islands lying along this coast, including in that number Sitka and the whole Koloshian Archipelago, and also, on land, to the northern extremity of the American Continent, the privilege granted to the Company of the exclusive prosecution of the said industry and traffic.

2. The colonial inhabitants and the settlers who are Russian subjects residing permanently in the Colonies are permitted to carry on the fur industry, in conformity with the special regulation which must be adopted for that purpose; in those parts of the Russian possessions where the exclusive right to the said industry is not reserved to the Russian-American Company; all other Russian subjects are permitted only to trade with the

* It is clear from the context that it is intended to refer to the eastern shore of Behring Sea.

for furs, but not to engage in hunting fur-bearing animals.

* * * *

A true copy:
(Signed) A. TIMKOVSKI,
Chief Clerk.

natives in fur goods, and are not admitted to a share in the fur industry itself.

* * * *

A true copy:
(Signed) A. TIMKOVSKI,
Chief Clerk.

[The portions of this paper not given were correctly translated in United States Case, Appendix, vol. i.]

No. 19.

Concerning the granting of a fourth Charter to the Russian-American Company.

His Imperial Majesty has deigned to confirm the opinion of the General Session of the Council of State concerning the revision of the charter of the Russian-American Company and the organization of the Russian-American Colonies, and to order the same to be carried into effect.

(Signed) KONSTANTIN,
President of the Council of State.

APRIL 2, 1866.

*Opinion of the Council of State.**

The Council of State in the Department of the Imperial Domain in its general session having considered the Report of Minister of Finance concerning the revision of the Charter of the Russian-American Company and the organization of the Russian-American Colonies, rendered the following opinion: In modification and explanation of the respective provisions contained in the opinion of the Council of
43 State, approved by the Emperor on the 14th June, 1865, concerning the principal features of the new Charter of the Russian-American Company and of Colonial regulations, it is ordained:

No. 19.

Concerning the granting of a fourth Charter to the Russian-American Company.

The Imperial Council in the Department of Imperial Economy and in general assembly, having examined the communication of the Minister of Finance on the subject of the revision of the Charter of the Russian-American Company and the organization of the Russian-American Colonies, has adopted the following Resolution in modification and explanation of the principal bases of the new Charter of the Russian-American Company and the organization of the Colonies, recited in the Resolution of the Imperial Council, approved by the Emperor 14th June, 1865:

* Copied from the Journals of the Imperial Councils of Public Domain, January 15 and March 2, and of the Plenary Council of March 14, 1866.

1. (As to Article 1.) The duration of the privileges to be granted for twenty years to the Russian-American Company shall be reckoned from the date of the approval of the Charter, and not from the 1st January, 1862.

2. (As to Article 15, letter *a*.) The exclusive right of the Company to engage in the fur trade thoughout the entire colonial territory shall be continued; provided that the manner of carrying on such trade shall be determined by regulations, to be prescribed upon consultation with the Ministry of Imperial Domains.

* * * *

4. (As to Articles 8 and 9.) The provisions to be included in the new Charter of the Company concerning the opening to free trade of the ports of New Archangel and Sitka, and of St. Paul, on Kadiak Island, and the introduction into the Colonies generally of such trade and of industries, also the provisions concerning the importation and sale of spirituous liquors, and the supplying of arms and powder, shall be in accordance with the propositions now submitted by the Company; provided that the commercial monopoly heretofore enjoyed by the Company shall under no pretext be continued.

* * * *

The original is signed in the journals by the Presidents and members.

Certified by—

(Signed) YERMAKOFF,
Vice-Director.
K. RADETSKI,
Chief of Division.

True copy:
(Signed) A. TIMKOVSKY.

1. (In Clause 1.) That the period of twenty years for the duration of the new privileges, rights, and obligations of the Russian-American Company be reckoned, not from the 1st January, 1862, but from the date of the confirmation of those privileges.

2. (In Clause 15.) That the exclusive right of carrying on the fur industry and the fur trade be secured to the Company throughout the extent of the colonial territory; at the same time, with regard to the carrying on of the fur industry, fixed regulations must be adopted, by agreement with the Minister of the Imperial Domain.

* * * *

4. (In Clauses 8 and 9.) That, while including in the new Charter of the Company the regulations concerning the opening of the ports of New Archangel, on Sitka Island, and St. Paul, in Kadiak, for free trade, those regarding the permission to carry on certain industries in the Colonies generally, and those on the subject of the importation and sale of spirituous liquors in the Colonies and the supplying them with arms and powder, the recommendations now presented by the Company on this subject be adopted, without permitting, however, the commercial monopoly which the Company has hitherto enjoyed to be continued in force under any pretext whatsoever.

* * * *

(Signed) YERMAKOFF,
Vice-Director.
K. RADETSKI,
Chief of Division.

True copy:
(Signed A. TIMKOVSKY.

No. 20.

Proclamation.

It is hereby proclaimed to all whom it may concern that, if any person or persons, after reading these presents, does not immediately abandon Russian territory [or waters], or continue forbidden trade or traffic, they shall be seized forthwith upon the arrival of the first Russian vessel upon the scene of their illegal transactions, and taken for trial to New Archangel, and all goods, as well as the vessel found in possession of such persons, shall be confiscated.

Given at the port of New Archangel, on the north-west coast of America, this 8th (20th) day of September, 1864.

No. 20.

Proclamation.

Notice is hereby given to all to whom it may concern that if, after reading this, they do not immediately leave Russian territory, and do not desist from prohibited traffic, they will, on the arrival of a Russian vessel, be arrested and sent for trial to New Archangel, Sitka, and their merchandize and ships, if such are found, will be confiscated.

Given at the port of New Archangel, on the north-west coast of America, this 8th (20th) September, 1864.

44 No. 21.

Letter from the Board of Administration of the Russian-American Company to Alexander Andreievitch Baranof, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, April 6, 1817.

The Board of Administration of the Company incloses herewith, for your information, a copy of a Report from the Kiakhta office, relating to the favourable reception by the Chinese at Kiakhta of fur-seal skins, and desires you to use your best endeavours to send to Okhotsk for the Kiakhta market such kinds of furs as are preferred by the Chinese, and not to send any young sea-lion skins.

No. 21.

Letter from the Board of Administration of the Russian-American Company to Alexander Andreievitch Baranof, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, April 6, 1817.

In reply to your communication the Board of Administration incloses herewith an extract from the report of the Kiachta factory concerning the profitable trade in seal-skins with the Chinese at Kiachta, and desires that you will make special efforts to send to Okotsk, for Kiachta, those kinds which are most acceptable to the Chinese. Do not send any sea-lion skins.

[Inclosure in No. 21.]

Report of the Kiahkta Office to the Board of Administration of the Russian-American Company.

(No. 137.) FEBRUARY 8, 1817.

This office had the honour to receive on the 1st instant the order of the Board of Administration, dated the 14th December, 1816, No. 715, in which directions are given in disposing of the fur-seal skins

[Inclosure in No. 21.]

Report of the Kiachta Office to the Board of Administration of the Russian-American Company.

FEBRUARY 8, 1817.

This factory had the honour, on the 1st February, to receive the instructions of the Board of Administration of the Company (No. 715 of the 14th December, 1816), in which the Board was pleased to

received by the ship "Suvorof" to observe what kinds of skins are preferred. In reference to this the office has the honour to report that the fur-seal skins from both the ships "Konstantin" and "Suvorof" were sold together, but it was noticed, from the manner in which the skins were received by the Chinese, that the 450 bachelor and young bull skins from the ship "Suvorof" were not accepted as California skins, which are considered by the Chinese to be worth one and a half times as much as the grays. The bulls and young bulls received by the "Konstantin" are valued still higher than the bachelors, although the hair on them is coarse, and cannot be utilized; the skins, however, are large, of good texture, and of whitish-yellow colour, the hair being plucked out so as to leave only the fur on the skin. The fur thus obtained is dyed and is then ready for use. The grays from the ship "Suvorof" have cleaned skin, but short hair, and are rather thin. They were valued lower than those from the "Konstantin," which, although of a paler colour and with reddish spots, are larger in size and have a thicker and longer fur. Our friends (the Chinese) are very particular as to quality, and not less particular as to size; they sort and measure by inches, and they therefore valued the skins brought by the "Konstantin" higher than the bachelors and grays from the "Suvorof." The young sea-lion skins received by this office have been exhibited, but inasmuch as they have no fur and short hair, though they make a very good hide, our friends refused to take them at any price, but asked that they be given a couple of skins to take to Kalgan, where they might ascertain by experiment whether they could be utilized for any purpose.

(Signed) DEMETRI KUZNETZOF,
Manager.
VASSILI JOUKOF,
Bookkeeper.

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45 No. 22.

Letter from the Board of Administration of the Russian-American Company to Captain of the First Rank and Knight Adolf Carlovitch Etholin, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, March 8, 1843.

The regulations of the fur-seal industry mentioned in your despatch

instruct us, in disposing of the seal-skins received by the ship "Suvoroff," to notice what kinds are prized more highly than others. In reply, this factory has the honour to report that the seal skins received by the ship "Suvoroff" and by the "Constantine" were disposed of in a lot, but from the acceptance and demands of the Chinese it was observed that the 450 bachelors and young bulls brought by the "Suvoroff," which were not even called Californias, are valued by the Chinese at half as much again as the grays. The bachelors brought by the "Constantine" were far better, as they value them at twice the price of the grays; and the bulls and young bulls received by the "Constantine" still higher than the bachelors, although the hair on them is coarse and not fit for use. They are large and on the flesh side are very good. They are of a yellowish-white colour. The Chinese pull out the hair and only leave the down, which they dye, and they use them in that condition. The grays brought by the "Suvoroff" are very clean on the flesh side, but the fur is not long. They are thin and of less value than those received by the "Constantine," which, although they are not clean on the flesh side, and although they have a paler colour and reddish spots, are larger and have longer and thicker fur. Our friends have very sharp eyes for quality, and not less for size. They assort and measure them to an inch, and hence they value those brought by the "Constantine" more highly than those brought by the "Suvoroff," both bachelors and grays. The sea-lion skins received by this factory were shown them, but, while they were very good on the flesh side, there was no down on them, and the hair was coarse, so that our friends will not take them at any price; and they only asked for two sea-lion skins, which they intend to carry to Kalgan for the purpose of experimenting with them and seeing whether they cannot put them to some use.

(Signed) DEMETRI KUZNETZOF,
Manager.
VASSILI JOUKOF,
Book-keeper.

No. 22.

Letter from the Board of Administration of the Russian-American Company to Captain of the First Rank and Knight Adolf Carlovitch Etholin, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, March 8, 1843.

The Board of Administration fully approves the arrangements

No. 287 of the 9th May, 1843, are fully approved and confirmed by the Board of Administration, and the proposed close season on the Island of St. George and the Commander Islands is hereby ordered. For the purpose of preserving this most valuable resource, the Board of Administration respectfully requests you to make it your permanent rule to conduct the annual catch in such a manner that not only the rookeries will not be depleted, but that they will be allowed to increase, *i. e.*, that the annual increase should always exceed the annual catch.

In order not to disturb prices at present, an annual shipment of 10,000 fur-seal skins to Russia will suffice.

(Signed) WRANGEL,
A. SEVERIN,
N. PROKOFYEF,
N. KUSOF,
Directors.

No. 23.

Letter from the Board of Administration of the Russian-American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof. Written from St. Petersburg, April 22, 1853.

From despatches received from your Excellency's predecessor, we learn that the fur-seals in the Colonies are rapidly increasing, and as there is every appearance of a good market for the same, the Board of Administration instructs you herewith to make all necessary arrangements for carrying on the sealing industry on all the islands frequented by these animals to the full extent of their capacity, without depleting the rookeries. The rules for the protection of females, &c., will be strictly observed as heretofore.

for killing seals described by you in despatch No. 287 of the 9th May, 1842, and permits you to institute on the Commander Islands and St. George the close season which you propose. In general, for the greatest possible preservation of this precious animal, the Board of Administration requests you to adopt as an invariable rule the following: To prosecute the annual killing of the seals in such manner that they may not only not be exterminated on the rookeries, but, on the contrary, may continually increase in numbers, that is to say, that the amount of the annual increase may be always greater than the number of animals killed.

At the present time the shipment of 10,000 seal-skins to Russia every year will be sufficient to prevent a fall in prices.

(Signed) WRANGEL,
A. SEVERIN,
N. PROKOFYEF,
N. KUSOF,
Directors.

No. 23.

Letter from the Board of Administration of the Russian-American Company to Captain of the Imperial Navy of the Second Rank Alexander Ilitch Rudakof. Written from St. Petersburg, April 22, 1853.

Seeing, from despatches received from your Excellency's predecessors that the seals in the Colonies are rapidly increasing in numbers, and foreseeing a regular demand for them, the Board of Administration instructs you to make corresponding arrangements, in order that hereafter, until further instructions, the killing of seals may be prosecuted on all the islands which they frequent to such an extent as may seem possible without impoverishing the rookeries. The rules for the protection of the cows, &c., must be observed as heretofore.

Of the fur-seal catch you will forward annually 6,000 skins to Kiakhta by way of Ayan; 10,000 skins to Shanghae, and the remainder to St. Petersburg on the Company's ships.

At the present time, the Board of Administration orders the discontinuance of the present process of salting skins, as being unfavourable to the sale of fur-seal skins.

(Signed) V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
N. KUSOF,
Baron WRANGELL,
Members.

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46 No. 24.

Letter from the Board of Administration of the Russian-American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, April 24, 1854.

In his despatch No. 318, dated the 30th May, 1853, Captain Rudakof, in reporting the increase of fur-seals on the Island of St. Paul, and his action relating to the fur-seal industry, requests a decision from the Board of Administration as to the number of seals to be killed in the future, and the grade of skins preferred.

The Board of Administration, therefore, respectfully requests your Excellency to order the killing principally of bachelors, the older the better, since our customers are eager to secure large skins. Small seals should be killed only in numbers sufficient to supply the demand for oil and food for the natives. Since, however, at present, the demand for fur-seal skins has somewhat diminished, the

Of the seals killed, 6,000 must be sent every year by way of Ayan to Kiachta, 10,000 to Shanghae, and all that remain to St. Petersburg by the vessels going around the world.

At the same time the Board of Administration suggests that you stop salting the seal-skins, as has been done heretofore, since it has a bad effect upon their sale.

(Signed) V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
N. KUSOF,
Baron WRANGEL,
Members.

No. 24.

Letter from the Board of Administration of the Russian-American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, April 24, 1854.

Captain of the Second Class Rudakoff, in his despatch No. 318 of the 30th May, 1853, reporting to the Board of Administration the increase of seals on the Island of St. Paul, and the arrangements made by him, in consequence, with regard to killing them, inquires of the Board of Administration what number of them must be killed in future, and what kinds are preferred.

In reply, the Board of Administration respectfully requests your Excellency to order that bachelors be killed in preference, the older the better, as the purchasers prefer large skins. Hence small seals must be killed only in such numbers as are necessary for obtaining oil to supply the demand; and, as at the present time the demand for seal-skins has considerably decreased, they must be killed, as a

catch may be limited to such a number as will not interfere with a regular increase, until a greater demand has again been created. To this end the Board of Managers is devoting all its energies.

(Signed) V. KLUPFEL,
Presiding Officer.
A. ETHOLIN,
N. KUSOF,
Baron WRANGELL,
Members.

No. 25.

Letter from the Board of Administration of the Russian-American Company to Captain of the Second Rank Prince Maksutof, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, November 8, 1854.

At the present time the market for fur-seal skins is limited to the number of 43,000, namely, in New York, from 20,000 to 21,000; at St. Petersburg, from 15,000 to 16,000, and at Irkutsk, from 5,000 to 6,000 skins, which must all be of the best quality, *i. e.*, full-grown males, half-grown males, large and medium bachelors.

The whole number sent to New York may be salted, but the buyers demand that all fat or blubber be removed very carefully previous to salting, for the better preservation and further preparation of the skins. The skins may be shipped to New York by San Francisco, preferably as supplementary freight on the clippers of the New York and California trade, as in this manner they can be forwarded quite cheaply. At St. Petersburg only dried skins are in demand. These should be shipped in our own vessels, but in the absence of such, they may also be shipped by San Francisco or Victoria, preferably on ships bound for London, where they will be consigned to Pelly and Co., or to Hamburg, consigned to Strong rule, only in such numbers as will not affect their increase until a greater demand sets in, for which the Board of Administration is making constant exertions.

(Signed) V. KLUPFEL,
Presiding Officer.
A. ETHOLIN,
N. KUSOF,
Baron WRANGEL,
Members.

No. 25.

Letter from the Board of Administration of the Russian-American Company to Captain of the Second Rank Prince Maksutof, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, November 8, 1854.

At present the sale of seal-skins has risen to 43,000, namely, 20,000 to 21,000 at New York, 15,000 to 16,000 at St. Petersburg, and 5,000 to 6,000 at Irkutsk. They must be of the best quality, that is to say, large and medium bulls, young bulls, and bachelors.

The whole quantity sent to New York may be salted, but the purchasers request that in salting them the oil be removed from them as carefully as possible, for the better preservation and for the further dressing of the skins. They must be sent there by way of San Francisco, preferably, to complete the cargoes of vessels going to New York, because by this arrangement the delivery of them will cost much less.

Only dried seal-skins are in demand at St. Petersburg, and they must be sent there by our own vessels going round the world, or, in the absence of these, by way of San Francisco or Victoria; but, preferably, to complete cargo on vessels going to London, to Mr.

and Co., thence to be forwarded to their destination, since no ships bound for St. Petersburg or Kronstadt can be found at San Francisco, and to charter special
47 vessels is very expensive.

At Irkutsk also, only dry skins are required; they may be forwarded by Ayan.

At the same time the Board of Administration asks you to make arrangements to enable you, with the proposed increase in the fur-seal catch to 50,000 skins per annum, to ship 43,000, as indicated above, in due time to their several destinations, storing the remainder at New Archangel for use in case of special demands. In order that these stored skins may not spoil in the warehouses you will make it a rule to ship the reserve of each year to Russia in the following year, replacing them from the new surplus. The killing of small seals should be avoided altogether, if possible, but, if it must be done, for the sake of procuring food, you must find means of using the skins for clothing in the Colonies, keeping a strict watch to prevent their falling into the hands of foreign traders. In the opinion of the Board there can be no difficulty in preparing such small skins in the Colonies, where so many men are in need of employment whom we can more easily assist in this way than with direct charity.

In connection with this object of finding a market for the small seal-skins, the Board of Administration would ask you to introduce their use as an article of clothing among the savages of the northern districts, who may purchase them with other furs, which the Company could dispose of at a greater profit. The principal object in trying to accustom the natives to the

Pelly, or to Hamburg, to Mr. Sturm, for further dispatch to their destination, as at San Francisco it is impossible to find a vessel with cargo going to St. Petersburg or Kronstadt, and it would be very expensive to charter one for that special purpose.

Only dried seal-skins are in demand at Irkutsk, and they must be sent by way of Ayan.

The Board of Administration therefore requests you to make arrangements so that in future, until there is a possibility of increasing the demand for seal-skins, about as many as 50,000 may be killed in the Colonies every year, of good quality as above directed, 43,000 of which will be sent at the proper time to their destination, and the remainder kept in reserve at New Archangel for the contingency of a special demand, and, in order that those stored may not be injured by lying so long in the warehouses, you will make it a rule to ship them the following year to Russia in exchange for the skins of the new catch which will remain in the warehouses. Furthermore, you will endeavour, so far as possible, to kill none of the small kinds of seal, but if it is impossible to avoid this, you are permitted to use them for clothing in the Colonies, taking special care that they are not sold to foreign vessels undressed. In the opinion of the Board of Administration there will be no difficulty in dressing them in the Colonies, as there are many people there in need of work, especially in the districts, to whom this would furnish the means of earning something.

At the same time, in order to find a market for small seal-skins, the Board of Administration requests you to endeavour to introduce the use of them among the savages in the north, with whom they might be exchanged for furs, the acquisition of which would be of great advantage to the Company. In doing this we have chiefly in view the fact that by this means

use of small fur-seal skins for their clothing is, of course, to prevent their falling into the hands of foreigners.

(Signed) V. KLUPFEL, *Presiding Officer.*
N. TEBENKOF,
V. ZAVOIKO, *Members.*

No. 26.

Letter from the Board of Administration of the Russian-American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, June 5, 1857.

In reply to your Excellency's despatch No. 41 of the 9th March, concerning the shipment of furs to New York and Shanghae, the Board of Administration has the honour to inform you that the annual demand for fur-seal skins in Russia has now increased to 15,000 dry skins, of which 5,000 are for the Kiakhta market; at this place only 2,000 beavers will be required. The remaining number of fur-seals, 12,000 or more, principally salted (in which shape they are preferred), you will dispatch in the autumn to Messrs. Lobach and Scheppler, of New York, immediately after the arrival of the ship from the districts, without subjecting the skins to any kind of treatment at New Archangel, leaving them just as they are when they arrive from the districts, and in the same packages.

the savages would accustom themselves to the use of seal-skins for their clothing, and thereby, so far as possible, the sale of them to foreign vessels would be prevented.

(Signed) V. KLUPFEL, *Presiding Officer.*
N. TEBENKOF,
V. ZAVOIKO, *Members.*

No. 26.

Letter from the Board of Administration of the Russian-American Company to Captain of the First Rank and Knight Stepan Vassilievitch Voyevodsky, Chief Manager of the Russian-American Colonies. Written from St. Petersburg, June 5, 1857.

In reply to your Excellency's despatch No. 41 of the 9th March, with regard to shipping furs to New York and Shanghae, the Board of Administration has the honour to inform you that the annual demand for seal-skins in Russia has now risen to 15,000, 5,000 of which are to be shipped to Kiachta. Only 2,000 river-beaver skins are required for Kiachta; the remaining number of seal-skins, say up to 12,000 and more, preferably salted ones, which are valued more highly there, you are instructed to send to New York to Messrs. Lobach and Shepler, in the autumn, immediately after the arrival of the vessels from the districts, without subjecting them to any preparations at New Archangel, and leaving them in the same condition and packed in the same way in which they are received from the districts.

With regard to the river-beaver skins the Board of Administration, although it has received information that the beaver-skins have now fallen in the market at New York to 2 r. 72 k. per skin, it still requests you, as the prices are not

high in other places, to ship the said beaver-skins (except 2,000 which are needed for Kiachta) to New York without fail. The Board will communicate to you hereafter concerning further arrangements with regard to the beaver-skins.

Furthermore, the Board of Administration requests you to send no other furs to New York, except, perhaps, white foxes, which have gone down to almost nothing at Kiachta. You must send no furs to Shanghae without special instructions.

At the same time the Board of Administration places upon the men in charge of sealing gangs the strictest injunctions to discontinue the killing of small gray seals, and in no case to ship them away from the Colonies, since they seriously interfere with profitable sales of fur-seals in Russia and in foreign markets, where only the larger skins secure good prices.

(Signed) V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
M. TEBENKOF,
Members.

No. 27.

Letter from the Chief Manager of the Russian-American Colonies to the Board of Administration of the Russian-American Company. Written from the Colonies, October 7, 1857.

CONCERNING FUR-SEALS AND BEAVERS.

Referring to the despatches of the Board Nos. 635 and 650, dated respectively the 5th and 10th June, and received on the 7th September of this year, I have the honour to report that the instructions contained therein in regard to fur-seals

At the same time the Board of Administration also requests you to give strict instructions to the canoemen ("bidarkimen") to stop, as far as possible, killing the small gray seals, and on no account to ship them from the Colonies, because they greatly interfere with the profitable sale of seal-skins in Russia and in the foreign market, as the large skins alone are in special demand and can be sold at good prices.

(Signed) V. POLITKOVSKY,
Presiding Officer.
V. KLUPFEL,
A. ETHOLIN,
M. TEBENKOF,
Members.

No. 27.

Letter from the Chief Manager of the Russian-American Colonies to the Board of Administration of the Russian-American Company. Written from the Colonies, October 7, 1757.

CONCERNING FUR-SEALS AND BEAVERS.

In reply to the despatches of the Board of Administration (Nos. 635 and 650 of the 5th and 10th June of this year), received on the 7th September, I have the honour to report that in future the instructions with regard to seals and river-

and beavers will be carried into effect at once. From the fur-seal skins on hand 10,000 have been packed and forwarded by the ship "Czarevitch" to Kronstadt; 5,000 skins will be put aside for shipment to Kiakhta by way of Ayan, and the remainder, about 5,000 skins, not including grays, will be forwarded to New York, together with all the beaver-skins which can be collected, except the 2,000 skins destined for Kiakhta.

The fur-seal skins require no working over in New Archangel, but when the fact is taken into consideration that they will have to stand the passage across the Equator and the Tropics twice, it will hardly be safe to send them to New York, as indicated in the despatch of the Board, in the same packages in which they are received from the various districts, *i. e.*, in bundles of several tens of skins, bound by leather straps.

According to information received by me from Messrs. Lobech and Sheppler, the people at New York were greatly pleased with the way in which our skins were forwarded and packed, the same having been received in good order, and it is probable that it would be better to continue packing in the same way, and, by way of experiment, to send two or three packages in the condition in which they are received from the colonial districts.

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Messrs. Lobech and Sheppler advised that in packing the skins should not be folded on account of their liability to break at the folds; this advice will be followed in future in shipping of skins around the world.

The salting of fur-seals, which had been stopped by order of the Board, will be renewed next year; but inasmuch as the orders to that effect will reach the Islands of St. Paul and St. George not earlier than in the summer of that year; the receipt of a sufficient number

beavers given in those despatches will be carried into due execution. But of the seal-skins now on hand 10,000 are packed up, which will be sent by the ship "Cesarevitch" to Kronstadt, 5,000 will be set apart for shipment to Kiachta by way of Ayan, and the remainder, of which there will be about 9,000 (leaving out the small gray seal skins), will be sent to New York, together with as many beaver-skins as can be collected after putting aside 2,000 of them for Kiachta.

The seal-skins need no preparation at New Archangel, but it would hardly be safe to ship them to New York in the same packing (as directed in the despatch of the Board of Administration) in which they are received from the districts—that is to say, tied up only with straps in bundles of several tens each—owing to the fact that they must bear transportation twice across the Tropics and the Equator.

From information received by me from Messrs. Lobach and Shepler, of New York, they are very well satisfied with the packing in which our goods were shipped there, as they arrived in good condition, and it would probably be better, in sending goods in the previous packing, to send only one or two bundles as an experiment in the packing in which they are received from the districts of the Colonies.

Messrs. Lobach and Shepler advise me, in packing the skins taken, not to double them because they break at the folds, by which advice I will be guided in future in shipping goods around the world.

The salting of the seal-skins, which was stopped by order of the Board of Administration, will be recommenced next year; but as the instructions on this subject will reach the Islands of St. Paul and St. George only in the summer of next year, it is impossible to guar-

of salted skins from those islands in the same year cannot be guaranteed.

The experiment of salting fur-seal skins in New Archangel will also be made.

In regard to gray seals, I have the honour to express the opinion that the number of such seals taken should be increased. Until now, only such number of these seals was taken as was necessary for obtaining blubber to supply the wants of the Aleuts on the islands and to send to St. Michael's Redoubt in exchange for skins furnished by the independent natives, but of late the demand for blubber in New Archangel itself has been on the increase by reason of the increase in the number of steamers and engines.

The blubber to be found in this market comes very high, and in order to reduce the expense I sent orders to the Islands of St. Paul and St. George for supplies of fur-seal blubber, and have now received about a thousand gallons of seal oil, the cost of which at San Francisco would be about 8,000 paper roubles. In view of the above-stated considerations, while issuing orders for the suppression, as far as practicable, of the killing of small gray seals, fit only for oil and meat, as winter supplies, I find it necessary to request definite instructions from the Board of Administration as to the absolute suspension of such killing. Should, however, the Board, in view of the above-stated circumstances, authorize the killing of gray seals in such quantities as may be necessary for the supplies of blubber and meat required by the natives and residents on the Islands of St. Paul and St. George, in such case the question will arise as to the disposition of the skin.

antee that we shall be able to procure a sufficient quantity of salted seal-skins next year.

The experiment of salting the skins at New Archangel will also be made.

With regard to the small gray seal-skins, I have the honour to express the opinion that only such a number of them have been killed hitherto as was necessary to procure the oil, the demand for which, without speaking of the unavoidable necessity of supplying the Aleuts on the islands and of shipping a quantity to Fort Michael for exchange for furs with the savages there, is increasing in New Archangel itself, owing to the increased number of steamers and steam-engines.

The oil purchased costs very dear; hence, having in view the greatest possible economy in the expenditure of money, I made arrangements on the Islands of St. Paul and St. George to procure oil from the seals, and about 250 buckets of it have been received. The purchase of this quantity of oil at San Francisco would have cost about 8,000 paper roubles.

For the above-mentioned reasons, although I am making arrangements for stopping the killing of small gray seals, so far as possible, they being only fit to furnish oil and supplies of meat necessary for the winter, still, I find it necessary to respectfully request the Board of Administration to give me definite instructions with regard to entirely stopping the killing of this kind of seal; but if the Board of Administration should see fit, in consideration of the circumstances mentioned, to permit me to kill so many of the small gray seals as may be necessary to procure oil and supplies of meat for the winter for the inhabitants of the Islands of St. Paul and St. George, in that case the question would arise as to the disposition to be made of the skins of these small animals.

At the present time, there are about 5,000 such skins in the warehouse, and if about 3,000 skins a-year be taken, then in a few years a quantity will be accumulated which will require a correspondingly large place of storage. I am inclined to the opinion that in case the sending of such skins to Russia and foreign markets should prove unprofitable, an attempt might be made to dispose of them in the Colonies for making garments and coats, which, if the tanning is good, may be substituted for sheep-skin coats.

As an experiment a few garments might be made from the skins now lying unused in warehouses.

In conclusion, I have the honour to report to the Board of Administration that, according to information now received, the fur-seal rookeries in all places, but particularly on the Island of St. Paul, are so crowded that all available points for breeding are filled, and they appear to be adequate, so that an extension of the catch is deemed indispensable; and this will be carried into effect next year.

At the present time there are about 5,000 of them in the warehouses, and by taking 3,000 every year a considerable number may accumulate in a few years, requiring a corresponding space for storage.

I suggest that, if it is not yet expedient to send gray seal-skins to Russia and to foreign markets for sale, then we might try the experiment of using them in the Colonies for robes and overcoats, which, after being well dressed, might take the place of the common sheep-skin coats.

By way of experiment a few robes might be made of these skins, which so far remain unused in the warehouses.

In conclusion, I have the honour to report to the Board of Administration that, from information which has now been received, the seal rookeries everywhere, and especially on the Island of St. Paul, have increased to such an extent that all the places which they frequent are entirely filled, and there is such a need of room for them that it is necessary to increase considerably the number of seals killed; and this shall be done next year.

No. 28.

Letter from the Chief Manager of the Russian-American Colonies to the Board of Administration of the Russian-American Company. Written from the Colonies, January 13, 1859.

CONCERNING FUR-SEALS.

In accordance with the instructions of the Board of Administration in despatch No. 697, dated the 5th June, 1858, and received on the 2nd November, there were sent by the ship "Kamchatka," in addition to the 10,000 ordered by former instructions, 10,664 skins which had been prepared and packed

No. 28.

Letter from the Chief Manager of the Russian-American Colonies to the Board of Administration of the Russian-American Company. Written from the Colonies, January 13, 1859.

CONCERNING FUR-SEALS.

In accordance with the instructions of the Board of Administration given in despatch No. 697 of the 5th June, 1858, received on the 2nd November, besides the 10,000 seal-skins ordered by previous instructions, 10,664 were sent by the ship "Kamchatka" of those which had been prepared and packed

before the receipt of despatch No. 697, for shipment to New York; thereafter there remained 3,600 dry skins and 1,176 salted skins, which are now sent per brig "Kadiak" to San Francisco, for transmission to Messrs. Lobach and Sheppler.

In regard to the inquiry of the Board as to the number of fur-seals which might be taken annually in the Colonies without detriment to the preservation of the species and to the rookeries, I have the honour to report that, according to information received from the Manager of the Pribyloff Islands, where the most important rookeries are situated, and from the Commander Islands, the numbers of seals on all the rookeries have increased to such an extent as to render the space quite inadequate, and that it would be quite possible to take from all the rookeries a total of 70,000 skins in one season, including the grays, but that, in order to take such quantity, it would be necessary to increase the number of sealers on the Pribyloff Islands, and the supply of firewood for the drying of the skins.

It may be positively stated that the taking of 70,000 skins each year for a long period to come will not result in the impoverishment of the rookeries.

No. 29.

Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, Chief Manager of the Russian-American Colonies, to the Board of Administration of the Russian-American Company. Written from the Colonies, May, 13, 1860.

I have the honour to submit to you herewith a list of the furs obtained during the past year from

prior to the receipt of despatch No. 697 for shipment to New York, and there still remain 3,600 dried and 1,176 salted skins, which will now be sent by the barque "Kadiak" to San Francisco, to be forwarded to Messrs. Lobach and Shepler.

With regard to the question of the Board of Administration as to what number of seals may be killed every year in the Colonies without detriment to the preservation of the species and without impoverishing the rookeries, I have the honour to report that, as is evident from the Reports of the Governors of the Pribyloff Islands, where the principal seal rookeries are found, and even those of the Commander Islands, the seals have increased in numbers on all the accessible places to such an extent that the areas occupied by them appear crowded, and it is evident from these Reports that it would be possible to kill in all these places, including the small gray seals, as many as 70,000, and even more; but for this it would be necessary to increase the number of hunters, and to furnish a sufficient supply of wood to the Pribyloff Islands for drying the skins.

It may be said with certainty that no impoverishment of the rookeries will appear for a long time from the killing of as many as 70,000 fur-seals.

No. 29.

Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, Chief Manager of the Russian-American Colonies, to the Board of Administration of the Russian-American Company. Written from the Colonies, May 13, 1860.

I have the honour to present herewith a Table of the skins procured last year from the districts

the districts of the Colonies, from which the Board will learn the following:

Eight hundred and ninety-two more sea-otters were killed than in the year 1858. There has not been so good a season since 1844, and the increase is confined to the Kadiak district, Unalaska, and Urupa.

With reference to the sea-otter industry, the Kadiak office reports to me that pursuant to the
51 arrangements made by my predecessor the Chugatch people living in the vicinity of the Konstantin Redoubt, have been permitted to hunt independently of the general hunting party, in places known only to themselves. On their arrival at Kadiak, however, it appeared that they had been hunting on grounds upon which a close season had been proclaimed for 1859, and where our principal party was to have hunted during the current year. Under such unfortunate circumstances, I cannot hope to meet with the same success in the sea-otter industry as Rear-Admiral Voyevodsky attained during the last year of his management of the Colonies.

Of beavers 760 more were killed last year than in 1858. The annual difference in the figures of this industry depends altogether upon local and climatic circumstances, to which the northern natives are more or less exposed. The excess of this year over last came chiefly from St. Michaels and the Kolmakovsky Redoubts. Castoreums also show an excess of 470 pair over 1858.

Of fur-seals the output was 11,160 less than in 1858. The reason for this decrease given by the Manager of the Island of St. Paul is the late spring, during which the females were prevented by ice from reaching their hauling-grounds and thereby lost their young. In explanation of this occurrence I inclose a copy of a Report of Mr. Repin, the Manager of the island.

of the Colonies, from which the Board of Administration will see that 892 more sea-otters were killed than in 1858. There has not been such a rich catch since 1844, and this increase was owing entirely to the number killed in the Kadiak district, at Unalaska, and at Urup.

As regards the otter catch, the Kadiak factory has reported to me that the Chugatches, living at Fort Constantine, were permitted, with the consent of my predecessors, to carry on this hunting, apart from the party sent out by the factory, in places known to them alone: after their arrival at Kadiak, however, with a very large number of sea otters, it appeared that in the summer of 1859 they had hunted in places where there was a close time, and where it will be necessary to send a party from Kadiak this year. After such an occurrence, unfortunately, I do not hope to have as successful results from the hunting as Rear-Admiral Voyevodsky in the last year of his administration of the Colonies.

Seven hundred and sixty more river-beavers were killed than in 1858. The yearly variation in the figures of this industry depends entirely on local climatic causes, which favour the northern savages more or less in their hunting. This increase, as compared with the number taken last year, was gained at Forts Michael and Kolmakovsky.

Four hundred and seventy more pairs of castoreums were taken than in 1858. Eleven thousand one hundred and sixty fewer fur-seals were killed than in 1858. The Governor of the Island of St. Paul assigns as the cause of their decrease the lateness of the spring, owing to which the cows in forcing their way to the rookeries over the ice, lost their young.

I have dispatched Lieutenant Wehrman, of the Imperial Navy, to superintend the new buildings on St. Paul Island and to reorganize the labouring force, which had become demoralized to a certain extent.

An excess of 1,143 in this year's output over that of last year appeared as to foxes, and of 1,174 as to blue foxes. A decrease appears in lynx of 178 and in sables of 219.

According to the Report of the Manager of Copper Island, sea-otters are increasing there, and I have issued the strictest orders to prevent their being disturbed. On Atka Island a decrease in sea-otters has necessitated declaring a close season.

Only 1 poud 36 lbs. of walrus ivory have been received. The manager of Unga Island reports that on the northern side of the Alaska Peninsula, in Moller Bay, 500 lbs. were obtained in 1856 and 1857, and stored there. On his visit to Moller Bay, in 1858, the ivory was not found, the walrus rookery had been destroyed, and the storehouse burned. Who committed this robbery is not known, but a few pieces of pilot bread and other remnants of food, as well as an oar from a whale-boat and tracks of boots, point to the commission of the deed by whalers.

This I have the honour to report to the Board of Administration.

Copy of letter of Repin, Manager of the Island of St. Paul, dated the 20th June, 1859, addressed to the Chief Manager.

MOST GRACIOUS SIR: I write to you to let you know that I received all your orders and instructions, and also other instructions from the captain of the steamer.

52 I see that you wish me to have killed on both islands not less than 60,000 fur-seals of various grades.

I would say to you, most gracious Sir, that, in my opinion, it would not be advisable to kill so large a number this year on St. Paul Island.

I have sent Lieutenant Verman to the Island of St. Paul to attend to various commissions and to put an end to some disturbances there arising from relaxation of discipline.

Foxes killed in excess of 1858..	1,143
White foxes in excess of 1858..	1,174
Lynxes, fewer than in 1858....	178
Sables in excess of 1858.....	219

On Copper Island, according to the Governor's Report, the sea-otters are increasing in numbers, and very strict orders are now given not to disturb them until the decrease of that animal in the Government of the Island of Atka renders a close time necessary there.

Only 1 pood of walrus tusks was received. The Governor of the Island of Unga has reported to me that on the northern side of the peninsula of Alaska, in Mollerovsky Bay, tusks to the amount of 500 pouds were taken in the course of 1856–57, and were stored there. On my arrival at Mollerovsky Bay, in 1858, the tusks which had been collected were missing, the walrus rookeries had been ruined, and everything had been burned. It is not known who stole the tusks, but there were found white biscuits, provisions, a whale-boat oar, and the prints of boots, which proved that it was the whalers.

I have the honour to report this to the Board of Administration.

[Not in Russian text.]

The female seals came this year in May at the usual time after the "sekatches" had landed. Only a few had come ashore, when, with a strong north-west wind, the ice came from the north. It closed around the islands and was kept there by the wind for thirteen days. The ice was much broken and was kept in motion by the sea.

It is an actual fact, most gracious Sir, that the females could not reach the shore through the ice. Some of the Aleuts went out as far as it was safe to go on the larger pieces of ice, and they saw the water full of seals. When the north-west gale ceased, the ice remained for nearly a week longer, being ground up in the heavy swell, and no females could land. A few "sekatches" tried to go out to sea, but did not succeed. On the 10th June the first females began to land, but they came slowly, and it was very late when the rookeries began to fill. Very few of the females—no more than one out of twenty or twenty-five—had their young after they came ashore. Nearly all must have lost them in the water, as for many weeks since the ice went away the bodies of young seals have been washed up by the sea in thousands. This misfortune I must humbly report to you. It was not the work of man, but of God.

Your very humble servant,
(Signed) IVAN REPIN,
Manager of St. Paul Island.

No. 30.

Letter from Captain of the First Rank and Knight Ivan Vassilievitch Furuhelm, Chief Manager of the Russian-American Colonies, to the Board of Administration of the Russian-American Company. Written from the Colonies, July 16, 1863.

In reply to the communication addressed to my predecessor by the Board of Administration on the 31st January of this year, No. 111, I have the honour to submit, for your consideration, the subjoined statement of the cost of preparing the dried and salted fur-seal skins:

No. 30.

Letter from Captain of the First Class and Knight Ivan Vassilievitch Furuhelm, Chief Manager of the Russian-American Colonies, to the Board of Administration of the Russian-American Company. Written from the Colonies, July 16, 1863.

Noting, for immediate execution, the contents of despatch No. 111 of the 31st January, 1863, from the Board of Administration, I have the honour to submit, for the Board's consideration, the following estimates as to the cost of preparing the dried and salted seal-skins:

REQUIRED FOR THE DRYING OF SEAL-SKINS.

	R. k.
Wood for each 1,000 skins, 2½ fathoms, making the cost of each skin.	2 85
For tying the bundle of 100 skins, 12 arshin sea-lion hide straps (a medium-sized skin worth 40 kopecks yields 16 arshin straps), making for one skin	0 10
Total	2 95
Or	3 00
To this we must add the pay of the Aleuts for each bachelor seal-skin	75 00
Total	78 00

REQUIRED FOR THE DRYING OF SEAL-SKINS.

	R. k.
Wood for each 1,000 skins, 2½ fathoms, making the cost of each skin.	2 85
For tying the bundle of 100 skins, 12 arshin sea-lion hide straps (a medium-sized skin, worth 40 kopecks, yields 16 arshin straps), making for one skin	0 10
Total	2 95
Or	0 03
To this we must add the pay of the Aleuts for each bachelor seal-skin	0 75
Total	0 78

The frames are always prepared in Sitka, and are sent to the islands. Their cost is not calculated, on account of its insignificance.

53 REQUIRED FOR THE SALTING OF SEAL-SKINS.

	R. k.
The casks contain an average of 73 skins, and cost 5 roubles; the iron hoops and fastenings weigh 17 pounds, costing 6 r. 80 k.; a total of 11 r. 80 k.: making for one skin.	0 16
For the preliminary salting on the islands 3½ pouds of salt are used for each skin; during the final salting in New Archangel, 8 pouds of salt are added to each cask of 73 skins, making 4.4 pouds for each skin; a total of 7.9 pouds of salt	0 79
For tying each skin 1⅛ zol. twine	0 02⅙
For the wear and tear of cooper's instruments and material, approximately for each skin	0 01
Total	0 98
To this must be added the pay of the Aleuts for each bachelor fur-seal skin	0 75
Total	1 73

REQUIRED FOR THE SALTING OF SEAL-SKINS.

	R. k.
The casks contain an average of 73 skins, and cost 5 roubles; the iron hoops and fastenings weigh 17 pounds, costing 6 r. 80 k.; a total of 11 r. 80 k.: making for one skin.	0 16
For the preliminary salting on the islands, 3½ pounds of salt are used for each skin; during the final salting at New Archangel, 8 pouds of salt are added to each cask of 73 skins, making 4.4 pounds for each skin; a total of 7.9 pounds of salt	0 79
For tying each skin, 1⅛ zol. twine.	0 02⅙
For the wear and tear of cooper's tools and material, approximately, for each skin	0 01
Total	0 98⅙
To this must be added the pay of the Aleuts for each bachelor seal-skin	0 75
Total	1 73⅙

Concerning the processes employed in preparation according to both methods, I have the honour to report to the Board of Administration:

The dried fur-seal skins are prepared as follows: After separating the skin from the meat and carefully removing the blubber, the skin is stretched upon a frame, remaining thus until it is finally dried. After removing the skin from the frame it is folded twice

Concerning the processes employed in the preparation of the skins, according to both methods, I have the honour to report to the Board of Administration:

The dried seal-skins are prepared as follows: After separating the skin from the meat and carefully removing the blubber, the skin is stretched upon a frame, remaining thus until it is finally dried. After removing the skin from the frame it is folded twice lengthwise and

lengthwise and packed in bales containing from 50 to 100 skins, according to size, and finally the bales are bound with sea-lion straps.

The salted fur-seal skins are treated as follows, in accordance with the instructions of Mollison, inclosed in a despatch of the Board of Administration, No. 81, of the 25th January, 1860:

After the skins are removed and stripped of meat or fat, they are strewn with salt and stacked in kenches. Later, when the labourers have more time, the skins are taken from the kenches, and the inner side of each skin covered with a thick layer of salt. Another skin is laid on top of this with its inner side down. Any protruding edges of the skins are apt to spoil, being removed from the influence of the salt; consequently they are carefully doubled in and both skins together rolled into a cylindrical shape. This roll is then lashed with strong seine twine. Finally the rolls are again tied together in bundles of from five to ten.

Though the labour of carrying the skins on the shoulders of men and women, the carrying of salt from the beach to the salt-houses, and later the carrying of the heavy salted skins from the magazine to the beach to be loaded into bidaras for transmittal to the ship is very great, yet the process of drying presents still greater difficulties on account of the constant fog and rain prevailing on the Pribyloff Islands. It may be positively stated that of the 25,000 dried skins prepared annually on these islands less than one-fifth can be dried in the air. The remainder are dried in sod houses by the means of fires, or in the huts of the Aleuts, which are anyway too small and ill-ventilated. For this reason, and also on account of the difficulty of obtaining wood in quantities sufficient for the drying of seal-skins, the salting by the Mollison method offers the greatest advantage.

packed in bales containing from 50 to 100 skins, according to size, and finally the bales are bound with sea-lion straps.

The salted seal-skins, in accordance with Mollison's process, inclosed in the despatch of the Board of Administration (No. 81 of the 25th January, 1860), are prepared in the following way:

After the skins are removed and stripped of meat, they are strewn with salt and stacked in kenches with the others; later, when the labourers have more time, the skins are taken from the kenches, and the inner side of each skin is covered with a thick layer of salt. Another skin is laid on top of this with its inner side down. The edges of the skins are turned up on the outer side, so as not to let the salt fall out; they are rolled up into round bundles with the fur side out, and are strongly tied with seine twine. Afterwards these bundles are tied together in packages of from five to ten bundles each.

Though the labour of carrying the skins on the shoulders of men and women, the carrying of salt from the beach to the salt-houses, and later the carrying of the heavy salted skins from the warehouse to the beach, to be loaded into baidaras for transmission to the ship, is very great, still the process of drying presents still greater difficulties on account of the constant fog and rain prevailing on the Pribyloff Islands. It may be positively stated that of the 25,000 dried skins prepared annually on these islands, only one-fifth can be dried in the open air. The remainder are dried in sod houses, by means of fires, or in the huts of the Aleuts, which are already cramped and suffocating. For this reason, and also on account of the difficulty of obtaining wood in quantities sufficient for the drying of seal-skins, the salting by the Mollison method offers the greater advantage.

54 No. 31.

Letter from the Chief Manager of the Russian-American Colonies to the Manager of the Island of St. Paul. Written from Stika, May 1, 1864.

Your Reports, forwarded last year by the steam-ship "Konstantin" and the barque "Prince Menshikof," have been received, and, in reply, I give you the following instructions:

As to No. 29. Last year you were instructed to fill requisitions of the Manager of Unalaska Island in a certain contingency. Instructions have now been given to the Manager of the Island of St. George hereafter to furnish Unalaska with local products, and it will be your duty as heretofore to see to the supply of local products for Sitka and St. Michael's Redoubt.

As to Nos. 30, 31. For want of space on the brig "Shelikof" I was unable to grant permission to Mrs. Iraïda Herman to visit this year the Island of St. Paul, and for the same reason I could not send you a cow or a bull.

As to No. 32. In my instructions No. 249 of last year I determined the number of fur-seals skins to be taken by you in each year. By order of the Board of Administration I revoke said instructions No. 249, as well as all previous instructions concerning the catch of fur-seals. I now direct you to take hereafter annually about 70,000 fur-seal skins, of which 25,000 shall be dried, and the remaining 45,000 salted according to the new directions in your possession.

The 70,000 skins now ordered to be prepared you must take only in case no decrease in the numbers of the animals is observed, otherwise you must immediately advise me for the purpose of having the number reduced with a view to preserve fur-seals for subsequent years.

As these instructions will reach you late in the season, and as you

No. 31.

Letter from the Chief Manager of the Russian-American Colonies to the Manager of the Island of St. Paul. Written from Sitka, May 1, 1864.

Your Reports, forwarded last year by the steam-ship "Constantine" and the barque "Prince Menshikof," have been received, and, in reply, I give you the following instructions:

As to No. 29. Last year you were instructed to fill requisitions of the Manager of Unalaska Island in a certain contingency, and instructions have now been given to the Manager of the Island of St. George hereafter to furnish Unalaska with necessary supplies, and your duties include, as heretofore, the furnishing Sitka and Fort Michael with supplies.

As to Nos. 30, 31. For want of space on the brig "Shelikof" I was unable to grant permission to Iraïda Herman to visit the Island of St. Paul this year, and for the same reason I could not send you a cow and a bull.

As to No. 32. In my instructions No. 249 of last year I determined the number of fur-seal skins to be taken by you in each year. By order of the Board of Administration I revoke said instructions No. 249, as well as all previous instructions concerning the catch of fur-seals, and I now direct you to take hereafter annually as many as 70,000 fur-seal skins, 25,000 of which must be dried, and the remaining 45,000 salted according to the new directions in your possession.

You must take the 70,000 skins now ordered to be prepared only in case no decrease in the number of the animals is observed; otherwise you must immediately advise me for the purpose of having the number reduced with a view to the preservation of the seals for the years to come.

As these instructions will reach you late in the season, and as you

will consequently be unable to prepare the whole quantity of fur-seal skins now required, I have to request that you will endeavour to take and salt not less than 10,000 skins during the time occupied by the trip of the vessel from St. Paul to St. Michael's Redoubt and back, and to put them on board of the vessel on her second visit to the island. Last year you sent only 10,000 dried skins, while the order was to send about 20,000. In future you must endeavour to strictly fill the orders.

As to No. 34. You will make a report to my successor as to the rewards to deserving employés. He will probably visit your island in the course of this year.

As to No. 36. I thank you for your efforts in regard to the vaccination of the inhabitants, and I request that you will not neglect the matter in future.

In regard to your request for the admission of your son to the General Colonial School of the Company at the Company's expense, I have to inform you that this school is not fully organized for the reception of boarders, and I therefore advise you to place your son as a boarder with one of your sisters here who receive pensions; your son when residing at Sitka can attend the school on the same terms as the day pupils of the Company.

The brig "Shelikof" will carry to you a cargo of supplies which you will discharge, sending on the same vessel the accumulated furs as well as your Reports. Besides this vessel you will be visited by the steamer "Konstantin" on her return trip from Nushagak: this vessel will bring you about 2,500 pounds of salt, and probably some logs.

I have ordered skipper Archimandritof to proceed by this brig for an inspection of the island under your care; you are therefore directed to comply with all his requests.

will consequently be unable to prepare the whole quantity of fur-seal skins now required, I have to request that you will endeavour to take and salt not less than 10,000 skins during the time occupied by the trip of the vessel from St. Paul to Fort Michael and back, and to put them on board of the vessel on her second visit to St. Paul. Last year you sent only 14,000 dried skins, while the order was to send about 20,000. In future you must endeavour to strictly fill the orders.

As to No. 34. You will make a report to my successor as to the rewards to zealous employés. He will probably visit your island in the course of this year.

As to No. 36. I thank you for your efforts in regard to the vaccination of the inhabitants, and I request that you will not neglect the matter in future.

In regard to your request for the admission of your son to the Colonial Public School as a Company's boarder, I have to inform you that that school is not yet fully prepared for the reception of boarders, and I therefore advise you to place your son in the house of any of your sisters who are now receiving pensions; your son, while living at Sitka, can attend the school on the same terms as all the new-comers who are not the Company's pupils.

The annual supplies are sent you by the brig "Shelikof;" unload the cargo and deliver to the brig all your skins and your Reports. Besides this vessel, you will be visited by the steamer "Constantine" on her return voyage from Nushagak; this vessel will bring you about 2,500 poods of salt, and probably some lumber.

I have ordered the Russian skipper Archimandritoff to proceed by this brig to inspect the island under your charge; you are therefore directed to comply with all his requests.

56 DESPATCH FROM MR. ADAMS TO MR. RUSH, JULY 22, 1823.

[The extracts from this despatch which appear on pp. 6 and 7 of Vol. II, Part 2, of the Appendix to the British Case were taken from pp. 212 and 213 of Senate Ex. Doc. No. 106, 50th Congress, 2nd Session. The following is the complete version given at p. 496 of the United States State Papers, Vol. V.]

Mr. Adams to Mr. Rush.

(No. 70.) DEPARTMENT OF STATE,
Washington, July 22, 1823.

SIR: Among the subjects of negotiation with Great Britain which are pressing upon the attention of this Government is the present condition of the north-west coast of this continent. This interest is connected, in a manner becoming from day to day more important, with our territorial rights; with the whole system of our intercourse with the Indian tribes; with the boundary relations between us and the British North American dominions; with the fur trade; the fisheries in the Pacific Ocean; the commerce with the Sandwich Islands and China; with our boundary upon Mexico; and, lastly, with our political standing and intercourse with the Russian Empire.

By the IIIrd Article of the Convention between the United States and Great Britain of the 20th October, 1818, it is agreed that any "country that may be claimed by either party on the north-west coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the Convention, to the vessels, citizens, and subjects of the two Powers, it being well understood that this Agreement is not to be construed to the prejudice of any claims which either of the two High Contracting Parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country, the only object of the High Contracting Parties in that respect being to prevent disputes and differences amongst themselves."

On the 6th October, 1818, fourteen days before the signature of this Convention, the Settlement at the mouth of Columbia River had been formally restored to the United States by order of the British Government.—(Message of the President of the United States to the House of Representatives, 15th April, 1822, p. 13. Letter of Mr. Prevost to the Secretary of State of 11th November, 1818.)

By the Treaty of Amity, Settlement, and Limits between the United States and Spain of the 22nd February, 1819, the boundary-line between them was fixed at the 42nd degree of latitude, from the source of the Arkansas River to the South Sea, by which Treaty the United States acquired all the rights of Spain north of that parallel.

The right of the United States to the Columbia River, and to the interior territory washed by its waters, rests upon its discovery from the sea and nomination by a citizen of the United States; upon its exploration to the sea by Captains Lewis and Clarke; upon the Settlement of Astoria, made under the protection of the United States, and thus restored to them in 1818; and upon this subsequent acquisition of all the rights of Spain, the only European power who, prior to the discovery of the river, had *any* pretensions to territorial rights on the north-west coast of America.

The waters of the Columbia River extend by the Multnomah to the 42nd degree of latitude, where its source approaches within a few miles of those of the Platte and Arkansas, and by Clarke's River to the 50th or 51st degree of latitude; thence descending southward till its sources almost intersect those of the Missouri.

To the territory thus watered, and immediately contiguous to the original possessions of the United States, as first bounded by the Mississippi, they consider their right to be now established by all the principles which have ever been applied to European Settlements upon the American Hemisphere.

By the Ukase of the Emperor Alexander of the 4th (16th) September, 1821, an exclusive territorial right on the north-west coast of America is asserted as belonging to Russia, and as extending from the northern extremity of the continent to latitude 51°, and the navigation and fishery of all other nations are interdicted by the same Ukase to the extent of 100 Italian miles from the coast.

When M. Poletica, the late Russian Minister here, was called upon to set forth the grounds of right conformable to the laws of nations which authorized the issuing of this Decree, he answered in his letters of the 28th February and 2nd April, 1822, by alleging first discovery, occupancy, and uninterrupted *possession.*

57 It appears, upon examination, that these claims have no foundation in fact. The right of *discovery* on this continent claimable by Russia is reduced to the probability that, in 1741, Captain Tchirikoff saw from the sea the mountain called St. Elias, in about the 59th degree of north latitude. The Spanish navigators as early as 1582 had discovered as far north as 57° 30′.

As to occupancy, Captain Cook in 1779 had the express declaration of M. Ismaeloff, the Chief of the Russian Settlement at Ounalaska, that they *knew nothing* of the continent in America; and in the Nootka Sound controversy between Spain and Great Britain it is explicitly stated in the Spanish documents that Russia had disclaimed all pretension to interfere with the Spanish exclusive rights to *beyond* Prince William's Sound, latitude 61°. No evidence has been exhibited of any Russian Settlement on this continent south and east of Prince William's Sound to this day, with the exception of that in California, made in 1816.

It never has been admitted by the various European nations which have formed Settlements in this Hemisphere that the occupation of an island gave any claim whatever to territorial possessions on the continent to which it was adjoining. The recognized principle has rather been the reverse, as, by the law of Nature, islands must be rather considered as appendages to continents than continents to islands.

The only colour of claim alleged by M. Poletica which has an appearance of plausibility is that which he asserts as an authentic fact: "that in 1789 the Spanish packet 'St. Charles,' commanded by Captain Haro, found in the latitude 48° and 49° Russian Settlements to the number

of eight, consisting in the whole of 20 families and 462 individuals." But, more than twenty years since, Heurieu had shown, in his introduction to the voyage of Marchaud, that in this statement there was a mistake of at least 10 degrees of latitude, and that, instead of 48° and 49°, it should read 58° and 59°. This is probably not the only mistake in the account. It rests altogether upon the credit of two private letters—one written from San Blas, and the other from the city of Mexico, to Spain—there communicated to a French Consul in one of the Spanish ports, and by him to the French Minister of Marine. They were written in October 1788 and August 1789. We have seen that in 1790 Russia explicitly disclaimed interfering with the exclusive rights of Spain to *beyond* Prince William's Sound in latitude 61°; and Vancouver, in 1794, was informed by the Russians on the spot that their most *eastern* Settlement there was on Hitchinbrook Island, at Port Etches, which *had been established in the course of the preceding summer*, and that the adjacent continent was *a sterile and uninhabited country.*

Until the Nootka Sound contest Great Britain had never advanced any claim to territory upon the north-west coast of America by right of occupation. Under the treaty of 1763 her territorial rights were bounded by the Mississippi.

On the 22nd July, 1793, McKenzie reached the shores of the Pacific by land from Canada in latitude 52° 21′ north, longitude 128° 2′ west of Greenwich.

It is stated in the 52nd number of the "Quarterly Review," in the article upon Kotzebue's voyage, "that the whole country, from latitude 56° 30′ to the boundary of the United States in latitude 48°, or thereabouts, is now and has long been in the actual possession of the British North-west Company;" that this Company have a post on the borders of a river in latitude 54° 30′ north, longitude 125° west, and that, in latitude 55° 15′ north, longitude 129° 44′ west, "by this time (March 1822) the United Company of the North-west and Hudson's Bay have, in all probability, formed an establishment."

It is not imaginable that, in the present condition of the world, *any* European nation should entertain the project of settling a *Colony* on the north-west coast of America. That the United States should form establishments there, with views of absolute territorial right and inland communication, is not only to be expected, but is pointed out by the finger of Nature, and has been for many years a subject of serious deliberation in Congress. A plan has for several Sessions been before them for establishing a Territorial Government on the borders of the Columbia River. It will undoubtedly be resumed at their next Session, and even if then again postponed there cannot be a doubt that, in the course of a very few years, it must be carried into effect.

As yet, however, the only useful purpose to which the north-west coast of America has been or can be made subservient to the Settlements of civilized men are the fisheries on its adjoining seas and trade with the aboriginal inhabitants of the country. These have hitherto been enjoyed in common by the people of the United States, and by the British and Russian nations. The Spanish, Portuguese, and French nations have also participated in them hitherto, without other annoyance than that which resulted from the exclusive territorial claims of Spain, so long as they were insisted on by her.

The United States and Great Britain have both protested against the Russian Imperial Ukase of the 4th (16th) September, 1821. At the proposal of the Russian Government, a full power and instructions

are now transmitted to Mr. Middleton for the adjustment, by amicable negotiation, of the conflicting claims of the parties on this subject.

We have been informed by the Baron de Tuyll that a similar authority has been given on the part of the British Government to Sir Charles Bagot.

Previous to the restoration of the Settlement at the mouth of Columbia River in 1818, and again upon the first introduction in Congress of the plan for constituting a Territorial Government there, some disposition was manifested by Sir Charles Bagot and by Mr. Canning to dispute the *right* of the United States to that establishment, and some vague intimation was given of British claims on the north-west coast. The restoration of the place and the Convention of 1818 were considered as a final disposal of Mr. Bagot's objections, and Mr. Canning declined committing to paper those which he had intimated in conversation.

The discussion of the Russian pretensions in the negotiation now proposed necessarily involves the interests of the three Powers, and renders it manifestly proper that the United States and Great Britain should come to a mutual understanding with respect to *their respective*
pretensions, as well as upon their joint views with reference to
58 those of Russia. Copies of the instructions to Mr. Middleton are,
therefore, herewith transmitted to you, and the President wishes you to confer freely with the British Government on the subject.

The principles settled by the Nootka Sound Convention of the 28th October, 1790, were:

1. That the rights of fishery in the South Seas, of trading with the natives of the north-west coast of America, and of making Settlements on the coast itself for the purposes of that trade, north of the *actual* Settlements of Spain, were common to all the European nations, and of course to the United States.

2. That so far as the actual Settlements of Spain had extended, she possessed the exclusive rights, territorial, and of navigation and fishery, extending to the distance of 10 miles from the coasts so *actually occupied*.

3. That on the coasts of *South America*, and the adjacent islands *south* of the parts already occupied by Spain, no Settlement should thereafter be made either by British or Spanish subjects, but on both sides should be retained the liberty of landing, and of erecting temporary buildings for the purpose of the fishery. These rights were also, of course, enjoyed by the people of the United States.

The exclusive rights of Spain to any part of the American continents have ceased. That portion of the Convention, therefore, which recognizes the exclusive colonial rights of Spain on these continents, though confirmed as between Great Britain and Spain by the first Additional Article to the Treaty of the 5th July, 1814, has been extinguished by the fact of the independence of the South American nation and of Mexico. Those independent nations will possess the rights incident to that condition, and their territories will of course be subject to no *exclusive* right of navigation in their vicinity, or of access to them by any foreign nation.

A necessary consequence of this state of things will be that the American continents henceforth will no longer be subjects of colonization. Occupied by civilized independent nations, they will be accessible to Europeans and to each other on that footing alone, and the Pacific Ocean in every part of it will remain open to the navigation of all nations in like manner with the Atlantic.

Incidental to the condition of national independence and sovereignty, the rights of anterior navigation of their rivers will belong to each of the American nations within its own territories.

The application of colonial principles of exclusion, therefore, cannot be admitted by the United States as lawful upon any part of the north-west coast of America, or as belonging to any European nation. Their own Settlements there, when organized as Territorial Governments, will be adapted to the freedom of their own institutions, and, as constituent parts of the Union, be subject to the principles and provisions of their Constitution.

The right of carrying on trade with the nations throughout the north-west coast they cannot renounce. With the Russian Settlements at Kadiak or at New Archangel they may fairly claim the advantage of a free trade, having so long enjoyed it unmolested, and because it has been and would continue to be as advantageous at least to those Settlements as to them. But they will not contest the right of Russia to prohibit the traffic, as strictly confined to the Russian Settlement itself, and not extending to the original natives of the coast.

If the British North-west and Hudson's Bay Companies have any posts on the coast, as suggested in the article of the "Quarterly Review" above cited, the IIIrd Article of the Convention of the 20th October, 1818, is applicable to them. Mr. Middleton is authorized by his instructions to propose an Article of similar import, to be inserted in a Joint Convention between the United States, Great Britain, and Russia, for a term of ten years from its signature. You are authorized to make the same proposal to the British Government, and, with a view to draw a definite line of demarcation for the future, to stipulate that no Settlement shall hereafter be made on the north-west coast or on any of the islands thereto adjoining by Russian subjects south of latitude 55°, by citizens of the United States north of latitude 51°, or by British subjects either south of 51° or north of 55°. I mention the latitude of 51° as the bound within which we are willing to limit the future settlement of the United States, because it is not to be doubted that the Columbia River branches as far north as 51°, although it is most probably not the Taconesche Tesse of Mackenzie. As, however, the line already runs in latitude 49° to the Stony Mountains, should it be earnestly insisted upon by Great Britain, we will consent to carry it in continuance on the same parallel to the sea. Copies of this instruction will likewise be forwarded to Mr. Middleton, with whom you will freely, but cautiously, correspond on this subject, as well as in relation to your negotiation respecting the suppression of the Slave Trade.

I have, &c.

(Signed) JOHN QUINCY ADAMS.

59 DOCUMENTS PRODUCED BY THE UNITED STATES ON NOTICE BY BRITISH AGENT.

No. 1.

Notice by the British Agent, September 30, 1892.

The Undersigned, Agent of Her Britannic Majesty, appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, 1892, between Her Britannic Majesty and the United States, has the honour, by direction of Her Majesty's Government, to give notice that he applies for the production by the Agent of the United States of copies of the following documents, that is to say:

1. The official Russian records, referred to at p. 42 of the Case of the United States as follows:

The official Russian records show that, after the Ukase or Charter of 1799, granting to the Russian-American Company certain exclusive control of trade and colonization, its authorities, acting under the sanction of the Russian Government, did not permit foreign vessels to visit Behring Sea.

2. The correspondence referred to at p. 45 of the Case of the United States, in connection with the grant in the year 1819, by one Ricord, then Commander of Kamtchatka, to one Pigott, of certain whaling privileges on the coast of Eastern Siberia, as follows:

A considerable amount of correspondence resulted, which illustrates the complete control which Russia claimed and actually exercised over Behring Sea prior to 1821, and how jealous she and her Chartered Company were of the intrusion of foreigners.

3. The "explanatory note" presented on the 5th December, 1824, by Baron de Tuyll to Mr. Adams, referred to in the foot-note to p. 55 of the Case of the United States.

4. Instructions given to the United States revenue-cutters or cruizers sent to Behring Sea annually since the year 1867, referred to at p. 81 of the Case of the United States as follows:

Since the year 1867 the Treasury Department has every year, with a single exception, sent one or more revenue-cutters to Behring Sea for the purpose of guarding the interests of the United States centered there, including the protection of fur-seals, against the infractions of the law relating to them.

The Undersigned, &c.

(Signed) CHARLES H. TUPPER,
Agent of Her Britannic Majesty in this behalf.

No. 2.

Mr. Foster to Mr. Tupper.

WASHINGTON, *November 5, 1892.*

The Undersigned, Agent of the United States, appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington, the 29th February, 1892, between the United States and Her Britannic Majesty, herewith makes the following reply to a Notice calling for the production of copies of certain documents, which Notice was delivered to him by the Agent of Her Britannic Majesty on the 30th day of September, 1892:

In regard to paragraph numbered 1 of said Notice:

The Undersigned does not furnish copies of the documents therein referred to, for the reason that all such documents are included in those referred to in the foot-note to p. 41 of the Case of the United States, and these appear in vol. i of the Appendix of said Case, following p. 593.

In regard to paragraph numbered 2 of said Notice:

The Undersigned herewith furnishes photo-lithographic facsimiles of all documents therein referred to not already included in those which appear in vol. i of the Appendix of the Case of the United States, following p. 593.

In regard to paragraph numbered 3 of said Notice:

The English version of the "explanatory note" therein referred to appears in the Appendix of the Case of the United States, as indicated in the foot-note to p. 55 of said Case; but for the more accurate information of the Agent of Her Britannic Majesty, a copy of the original text of said note is herewith furnished.

In regard to paragraph 4 of said Notice:

The Undersigned herewith furnishes copies of the instructions therein referred to, notwithstanding he is clearly of the opinion that they have been neither specified nor alluded to in the Case of the
60 United States. The documents in which these instructions are contained include other matters as well, which, being irrelevant to the present inquiry and somewhat voluminous, have been omitted. Should, however, the British Agent feel that he has been prejudiced by any such omission, the latter will, upon demand, be supplied in every case.

The Undersigned improves the occasion to renew to Mr. Tupper the assurance of his highest consideration.

(Signed) JOHN W. FOSTER,
Agent of the United States.

[Inclosure 1 in No. 2.—Translation.]

1.—*Copy of a Letter from Privy Councillor Speransky, Governor-General of Siberia, to Count Nesselrode, Secretary of State, dated Irkutsk, February 1, 1820. No. 28.*

Just before this messenger was dispatched I received, through the Tobolsk Post-office, probably from St. Petersburgh, a packet, in which I found a letter addressed to your Excellency, several other private letters, an Agreement concluded by the Governor of Kamtshatka with the Englishman Pigott regarding the whale fishery on the shores of Eastern Siberia, and an envelope which, from its general appearance, and from the fact of its being addressed to the Governor-General of Siberia, appeared to contain an official communication, but in which I found a private letter from M. Ricord to Ivan Borisovitch Pestel.

I have the honour to transmit all these papers to your Excellency, and I beg to be allowed to make the following observations with regard to them:

I had the honour to inform your Excellency on the 12th November, 1819, that I coulp not find amongst the papers left by my predecessor any trace of proposals made by M. Dobello, or of instructions given to him. From the Agreement and letter now received, I conclude that he was instructed, or permitted, amongst other things, to endeavour to establish a whale fishery on the shores of Kamtshatka, and it follows that this matter has already been inquired into, and that some decision has been arrived at by the Government. Under these circumstances, the Government will only have to examine the terms of the Agreement. In case, however, contrary to what appears to be the case, the matter should not yet have been decided, even in principle much less in detail, I venture to offer the following observations:

1. As to the principle of the establishment of the whale fishery.

The advantage of establishing it may be twofold: First, an immediate advantage, consisting in the fact that food will be supplied to the people of Kamtshatka. This will be a great benefit in case the supply of fish, which is almost the only means of subsistence of the people of Kamtshatka, should fail. Your Excellency will see, from the inclosed extract from a letter from the Governor of Okhotsk, with what delight the Tunguz inhabiting the shores of the Sea of Okhotsk hailed, last autumn, the appearance of the carcasses of whales thrown up by the sea on their coast. The second advantage consists in the prospect of the gradual establishment of whaling operations with whalers of our own. This advantage is a very remote one, and I do not think that whaling carried on by our Government is ever likely to be a success. There is a great difference between having ten sailors taught whaling and establishing a Russian whale fishery; ships, tackle, money, and, above all, a master's eye, are indispensable. But even if we consider that the ultimate establishment of a Russian whale fishery is possible, and even probable, the following drawbacks to placing the industry in the hands of foreigners must be taken into consideration:

(1.) We are familiar with the complaints made by the American Company in regard to the bartering carried on by citizens of the United States at their establishments, and in regard to their supplying the natives with fire-arms. These complaints are well-founded, but nothing can be done in the matter. It would be useless to apply to the United States Government to stop the trading; the commercial rules of the United States do not allow such interference on the part of their Government. The only thing to be done is for the Company to endeavour to strengthen the defences of the principal places in the Colonies, and for the Government, at least, not to favour this foreign trade. But the establishment of a whale fishery on the eastern shores of Siberia would undoubtedly favour it in a high degree. The establishment of a whale fishery would be a pretext for, and an encouragement to, foreign trade.

(2.) Although the fur industry in Kamtshatka and Okhotsk, which has been declining from various causes, has now become unimportant, nevertheless, the present trade and its prospects for the future are in the hands of Russian traders. If an industry in the hands of foreigners is established on the coast, the whole trade will certainly pass into foreign hands. In this thinly-populated region it is impossible to establish an effective supervision; moreover, how is the importation of brandy, rum, &c., to be prevented?

(3.) The American Company may, and, in the interest of the consolidation and preservation of its Colonies, ought to wish to establish a whale fishery of its own, employing for the purpose its own servants, or, at any rate, keeping the operations in its own hands. Its present financial position is not merely satisfactory, but brilliant; its operations should therefore be extended, but the Agreement concluded with the foreigners will place insurmountable obstacles in the way of such extension.

(4.) M. Ricord says, in his letter, that, owing to the smallness of our forces in that part of the world, we cannot prevent foreigners from whaling. In the first place, we may not be so weak as he supposes. The occasional appearance of a single properly-armed ship may be sufficient to keep quiet and disperse all these whalers. In the second place, if they are able to get possession of this industry by force, why should this force be sanctioned by a formal Agreement?

61 2. These observations on the principle of establishing the whale fishery may be supplemented by the following remarks on the provisions of the Agreement:

(1.) If Pigott himself asked for nothing more than a local and limited permit for taking whales on the shores of Kamtshatka, why is he not given such a limited permit, which could easily be withdrawn at will? Why sign an Agreement for ten years? In what way is this Agreement binding on Pigott? Will it, or can it, force him to carry on the industry if he does not find it profitable? How easily he could find pretexts for evading or rendering useless the one stipulation which is in our favour, namely, that which provides for the instruction of our sailors in whaling.

(2.) Why was it considered necessary to use in the Agreement the indefinite expression "Eastern Siberia," instead of the word "Kamtshatka"? By the use of the words "Eastern Siberia," the right to fish for whales is extended not only to the Sea of Okhotsk, but also to the Kurile Islands, which our American Company will, after this, be forced to give up.

(3.) Why should these traders be allowed to fly the Russian flag? The insolence of this class of men, and the acts of violence which they are always committing on their voyages, are matters of common knowledge. Why should they be allowed to shelter themselves under the Russian flag in Japan, among the Tshuktches and elsewhere? Instead of increasing the prestige of Russia, as M. Ricord supposes, the grant of the Russian flag will only add to our responsibilities and bring odium upon us, especially as the Governor of Kamtshatka will have no means whatever of restraining Pigott. If the thoughtless act of one of our naval officers (Khvostoff) very nearly led to a war with Japan at the very time when we were anxious for peace and friendly intercourse with that nation, what can induce us to be so rash as to place our flag in the hands of men who are ready to do anything for money?

2.—*Extract from a Letter, dated July 2, 1819, from M. Ricord, Governor of Kamtshatka, to Privy Councillor Pestel, late Governor-General of Siberia.*

[Translation.]

Since the last messenger left M. Dobello and I have been giving our careful attention to the scheme for the establishment of a whale fishery, for which the present moment is favourable. As much time would be lost if we allowed the Englishman Pigott, who is most anxious to come to terms, to leave us without some definite understanding having been arrived at, we have decided to conclude with Pigott *ad referendum* the formal Agreement transmitted herewith. As I have not got M. Dobello's fervid imagination, I do not expect from this Agreement the wonderfully beneficial results to this country which he anticipates. Who will believe that in ten years we shall be able to have whalers of our own at Kamtshatka?

The circumstances which led Pigott to conclude this Agreement are as follows:

A large whale was cast up by the sea 20 versts from our harbour. We all went to see it. Pigott was in ecstacy, as he recognized in it a real spermaceti whale The purest oil is obtained out of the heads of these whales, and their fat is considered most valuable. Before the occurrence of this incident, so fortunate for us, Pigott had often asserted, in the course of our conversations, during which he explained his views with great openness, that whaling could not be made profitable in this distant and thinly populated country, as it would not be worth while to incur the expense of fitting out whaling vessels. But after this incident he took quite a different view. He began by asking me for an official permit for whaling on our shores, and for my guarantee that he and his companions would obtain the grant of privileges for ten years; after negotiations with Dobello, however, he decided to sign this Agreement. I am confident that it will be approved, and that I shall be instructed to do all in my power to make it work profitably for this country. I shall, of course, use of my best endeavours in that direction.

The stipulation that the whalers shall be allowed to fly the Russian flag is very advantageous to us from a political point of view, especially as regards our relations with the Japanese. When the whalers happen to approach the Japanese coast, it will be an excellent thing that the inhabitants should see how powerful we are, and, moreover, when the whalers are engaged in fishing in the north, the people inhabiting the coasts in that region will learn to respect us, and will be kept in check.

In the Agreement the expression "Eastern Siberia" is used instead of "shores of Kamtshatka," in order to give the Americans a larger field* for the exercise of their industry; we know that there is no better harbour in these seas than Petropavlovsk; and what is Eastern Siberia but an extent of waste land? Besides, if we do not use the expression "Eastern Siberia," our whalers will not be able to fish in the Sea of Okhotsk or round the Kurile Islands. Moreover, we must confess our weakness; for how could we prevent any one from whaling on our shores? Under these circumstances, and in view of what is stipulated in the Agreement, I am sure that the Government, after examining the instrument, will admit that its terms are advantageous, and will not hesitate to ratify it. We do not ask the Government to spend any money; we only wish to be allowed to found an industry which will make it possible for Kamtshatka to turn to profit in ten years' time advantages which have long been potentially open.

(Signed) Count JACOV LAMBERT.

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* Literally, "extent of earth."

62 [Received on the "Tshirikoff," October 2, 1822.]

Board of Management of the Russian-American Company to Captain Matthew Ivanovitch Muravieff, Chief Manager of the Russian-American Colonies.

[Concerning Pigott.]

(No. 149.) FEBRUARY 28, 1822.

The Board were aware that Captain Pigott, who was at Kamtshatka, intended to sail thence to our Colonies, and your despatch No. 8 of the 18th January, 1821, confirmed them in their belief that he proposed to visit waters belonging to Russia. He has paid you a visit, as you report, under stress of weather, and you have done right in assisting him; but he would never have come to Novo Arkhangelsk if he had not been forced to put in to that port; what he meant to do was to collect furs secretly at other places. It was with this object, and in order to get a footing for this purpose on the Aleutian Islands, or on the northern islands situated in the direction of Behring Strait, that he made his proposal, of which you have already been informed, with regard to whaling and fishing for the benefit of Kamtshatka and Okhotsk; in the meantime he has been asking permission from Dobello, M. Ricord's friend, to trade with the Tshuktshes, and to use the Russian flag while so engaged. It is a pity that you had not yet been informed of the right which has been officially declared and announced in the Regulations which have been sent to you by the "Apollo," of the Imperial navy; if you had received these Regulations earlier, you would, no doubt, have searched Pigott's ship. Don't let these impudent fellows off so easily in future. This year a Government ship, the "Apollo" above mentioned, will visit you; a second ship, the "Ajax," has been seriously damaged on the Dutch coast. We hear that another ship will be sent instead of her. Thanks be to God and our Emperor for saving the Company from all trouble and expense in connection with the dispatch of these Government ships. You will receive by this opportunity replies to the other inquiries contained in your despatch above referred to.

(Signed) MICHAEL KISSELEF.
BENEDICT KRAMER.
ANDREI SEVERIN.

(Signed) ZELENSKY, *Chief Clerk.*

January 1821.

On the 29th September the American brig "Pedlar" arrived at this port. Her captain is Meek, a brother of the Meek who is well known to you. She had on board Mr. Pigott, with whom you are well acquainted. He was the supercargo or owner; for the cargo was under his control, and he directed the movements of the ship. He had come from Kamtshatka in eighteen days, and had encountered very stormy weather. The sides of the ship were damaged, and the boats broken up. The sails were also torn, and a great deal of further damage had been done. He brought with him a letter of recommendation from M. Ricord to me. I knew of Pigott's relations with the American Company, but I could not refuse him permission to anchor in the roadstead here and to repair his ship and build a boat with materials of his own. If I had refused to allow him to do this, I should have been violating the usage of friendly nations. I took care, however, to place rafts near his ship, and I informed him that if he violated the rights of the Colony in any way, or had any communications whatever with the Indians (even for the purpose of obtaining food), he would be at once arrested, and his ship and her cargo confiscated. Of course, this annoyed him, and he told me so. I replied that I was justified in being suspicious of the open enemies of the Company. There were at that time two men-of-war on the roadstead, and this fact afforded me frequent opportunities of meeting Pigott, for he was acquainted with the officers of both of them. They had met beyond Behring Strait in Kotzebue Sound, and had been anchored there together. He said in a hesitating way that he had been trading there, and complained that he had been unsuccessful; but are his statements to be believed?

He had a quantity of guns and ammunition with him, and sold some guns to the officers of the men-of-war. I asked him whether he had sold any guns in the north, and he answered that he had not; but are we to believe him? On my asking him whether he considered that his countrymen acted rightly in supplying fire-arms to the Kolosh, he answered that it was not very proper conduct, but that the laws of their country did not prohibit it, and that as soon as one man found the trade profitable, others did not fail to follow his example. He said that in all probability no nation would be able to stop the traffic by force so long as the American laws did not forbid it, and that they never would forbid it, because the limitation of free trade would be a violation of the American Constitution. No nation would attack them,

because they were so strong. They considered that settlement gave a right of government, and that everyone was master in his own territory; therefore, any infraction of the laws of a country would expose them to the penalties prescribed by the laws of that country, for their own Government would not protect them. What do you think of this? Was he right, or not? I must confess that I was wrong when I said, in a letter to Michael Michailovitch, that a single man-of-war would be sufficient to put an end to this traffic. To tell the truth, I did not believe it at the time; but I was afraid that a whole squadron, or at least a couple of frigates, would come down upon us. This prospect frightened me, both as Manager of the American Colonies and as a Russian. They would have eaten up all our provisions and cost the Emperor a lot of money, without doing much good. I am ready to confess that I was wrong to you, to his Excellency, and before all the world. If England, which is so powerful at sea, and the other Maritime Powers of Europe, find it impossible to prevent these Republicans from committing depredations under a neutral flag,
63 although the United States refuse to protect them, what hope is there that a single frigate will be able to stop this traffic on our shores, abounding in straits and excellent harbours, and so well known to these Americans that they may be called the pilots of these coasts? They will always be on good terms with the natives.

In all probability they will not trade in arms under the guns of the fort or under those of the frigate, but what is to prevent them from trading in other places? And how is it to be proved that they have been engaged in this trade? Where is the Court which is to try them? One witness will say one thing, and another another. An empty cannon has been known to cause a war, but God save our beloved country from this. New Archangel is a block-house (do not be offended at my thus describing it), or, at any rate, it is not at all like European forts. It is at best a Kolosh fort, but it often contains merchandize worth more than a million roubles, and an expedition to take it, or at least to destroy it, would not cost more than one-tenth of that sum.

Sitka is a great expense, is of no advantage, and swallows up the revenues of the other Settlements without being able to protect them. Then consider its distance from the other Settlements, the difficulty of communicating with it on account of the want of ships and the frequent scarcity of good sailors, or in any case, the great expense of communication, the difficulty experienced by the Chief Manager in looking after the other offices, and the necessity for him to make an annual tour of inspection at the most critical time of the year, which is also the time when his presence at Sitka is most necessary, as it is then that the ships arrive, that expeditions are sent out, that work is actively carried on, and that the natives collect round the fort and put their designs into execution; they are not as yet very dangerous, it is true, but who knows what may yet be in store for us?

Under these circumstances, I think that prudence is the better part of valour, but this matter must be kept for another despatch. I will only observe, in conclusion, that I have kept my promise not to embellish the subjects of my Reports, but to say openly what I think.

[Inclosure 2 in No. 2.]

Explanatory Note shown by Baron de Tuyll to Mr. Adams, December 5, 1824, and filed January 25, 1825.

Note explicative à présenter au Gouvernement des États-Unis lors de l'échange des ratifications dans le but d'écarter d'autant plus sûrement tout motif de discussions futures, au moyen de laquelle note on reconnoitroit positivement exceptées de la liberté de chasse, de pêche, et de commerce, stipulée en faveur des citoyens des États-Unis pour dix ans, *les Iles Aleutiennes, les côtes de la Sibérie, et en général les possessions Russes sur la côte nord-ouest de l'Amérique jusqu'au 59° 30′ de latitude nord.*

Il paraît que ceci n'est qu'une conséquence naturelle des stipulations arrêtées, car les *côtes de la Sibérie* sont baignées par la Mer d'Ochotsk, la Mer de Kamtschatka, et la Mer Glaciale, et non par la Mer du Sud mentionnée dans l'Article Ier de la Convention du 5 (17) Avril. C'est aussi par la Mer du Kamtschatka ou l'Océan du Nord que sont baignées *les Iles Aleutiennes.*

L'intention de la Russie n'est point d'entraver la libre navigation de l'Océan Pacifique. Elle se bornerait à faire reconnoitre comme bien entendu et placé à l'abri de toute espèce de doute le principe, que depuis le 59° 30′ aucun vaisseau étranger ne pourrait approcher de ses côtes et ses îles, ni y faire la chasse ou la pêche qu'à la distance de 2 lieues marines. Ce qui m'empêchera pas d'accueillir les bâtimens étrangers avariés où battus par la tempête.

[Inclosure 3 in No. 2.]

Instructions to the United States Revenue-cutters and Cruizers.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 4, 1867.

SIR: You will proceed without delay to San Francisco and take charge of the steamer revenue-cutter "Lincoln," commanded by Captain White, which has been designated to make a voyage to Sitka, and the Russian possessions in America, lately ceded to the United States, to acquire a knowledge of the country with a view to a due protection of the revenue when it shall have become a part of the United States, and for the information of Congress and the people.

* * * * * * *

The vessel will be expected to leave San Francisco as soon as possible after your arrival, and will first proceed quickly to Sitka to communicate with the Russian authorities, and present the letter of Baron Stoeckle, herewith inclosed. It will be remembered that the country is yet subject to the exclusive dominion of Russia, and that until the formal transfer of it to the United States the latter can exercise no control within its borders, except through the courtesy of the Russian Government.

* * * * * * *

After visiting Sitka, you will employ the vessel according to your best judgment to effect the purposes of the expedition between southern limits of the country and the westerly extremity of the Aleutian Islands.

64 It is not expected that you will pass to the north of those islands, though you are at liberty to do so if it seems best.

* * * * * * *

Very respectfully,

(Signed) H. MCCULLOCH,
Secretary of the Treasury.

Captain W. A. HOWARD,
Revenue-cutter Service, New York City.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 20, 1868.

SIR: As soon as the revenue-steamer "Wayanda," to the command of which you are ordered, shall be ready for sea, you will proceed to the Territory of Alaska for the protection of those interests especially confided to you as an officer of the Revenue Marine by the laws of the United States and Regulations of the Department.

* * * * * * *

You will communicate as often as possible with the officers of Customs in Alaska, obtaining all information in your power as to trade, illicit and otherwise, and convey to the Department all the knowledge possible to give regarding means for the protection of the revenue, and facilitating commerce in our new territory.

* * * * * * *

I am, &c.

(Signed) H. MCCULLOCH,
Secretary of Treasury.

Captain J. W. WHITE,
Revenue-steamer "Wayanda," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 6, 1869.

SIR: You have been detailed to watch over the interests of the United States on the Island of St. Paul to prevent illicit traffic and the violation of Revenue Laws, with particular reference to the Law of the 27th July, 1868, section 6, forbidding the killing of fur-seals.

You will proceed to your post on the "Wayanda" under the orders of the Commander of that vessel; a sergeant's guard will be detailed by the Military Commander, with instructions to aid you in the execution of your duties.

It will be your duty to see that the legal prohibition against the killing of seals is rigidly enforced on that island. Any person disregarding it will be arrested, and sent to the States for trial as required by law. This prohibition is designed chiefly to apply to killing for trade; you are especially to prevent that, but you will not

punish Aleuts living on the island should they occasionally kill such small numbers as may be absolutely necessary for their sustenance and clothing on the island, not to be carried away.

During the seal season guns are not to be fired, nor dogs permitted on the island, nor any proceedings that experience has shown apt to disturb the seal rookeries, or to frighten and drive away the animals.

No person not a native of the island will be permitted to land and remain on the island unless under authority from this Department, and no stores destined to be used in aid of seal-hunting or for the preservation of skins can be landed.

Permission has been given to Hutchinson, Kohle, and Co., and Williams and Haven, for two men, selected by each of said firms, to remain on each island to care for the property of their principals. These men must conform to all the requirements herein indicated, and, in case of their refusal so to do, you will arrest them; and at the first opportunity send them to San Francisco, Oregon, or Washington Territory, to be delivered to the United States Marshal, if you have reasonable evidence of their having violated the Law of 1868 above cited.

You are to prevent the carrying on of illicit traffic with the natives. Spirituous liquors in particular, and fire-arms not belonging to the military, are absolutely prohibited; none such can be landed on the island; any found there will be seized. Vessels coming there must bring none but domestic or duty-paid goods, and are to be provided with manifests certified by the Collector of Customs at Sitka, and with written permission from the same officer to enter there. Vessels direct from a foreign port are not permitted to unlade there under any circumstances.

* * * * * * *

Very respectfully,

(Signed) H. McCULLOCH,
Secretary of the Treasury.

Lieutenant WINSLOW B. BARNES,
Revenue-cutter Service.

NOTE.—Any material Law, Order, or Proclamation referred to herein, or in any other instruction, will be found in vol. i of the Appendix to the Case of the United States, pp. 92–113.

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65 TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 23, 1869.

SIR: It is desirable that the "Lincoln," after accomplishing what has been already arranged at the Islands of St. Paul and St. George, shall proceed directly to Attou, which is understood to be the principal locality of the sea-otter trade, and establish such relations with the natives as shall prevent, if possible, the killing of sea-otter until further orders, and preserve the interests of the United States in other respects.

Returning towards Ounalaska, it is also desirable to visit other islands of the chain where sea-otters are taken or where smuggling may be carried on. Every care should be taken to preserve the best relations with the inhabitants of the islands, and enlist them in aid of the enforcement of laws. The inhabitants are to be informed that all the restrictions laid upon trade and fur-hunting are for their benefit quite as much as for the benefit of the Government, indeed, far more, and they are to be assured that they will in no event be permitted to suffer on account of them.

* * * * * * *

It will probably be advisable to visit these islands again during the autumn.

Very respectfully,

(Signed) H. McCULLOCH,
Secretary of the Treasury.

COMMANDING OFFICER OF THE REVENUE-STEAMER "LINCOLN."

P. S.—The "Lincoln" having been substituted for the "Wayanda" since the date of my letters of the 6th February, her name is to be understood as substituted in all places in those letters where the name "Wayanda" occurs.

H. McC.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 31, 1870.

SIR: The revenue-cutter "Reliance" under your command being ordered to cruize westward, you will, as instructed by Collector Kapers, proceed with your vessel to Kodiak, thence to Analook, Ounalaska Island, viâ the Ounga or Chounagin Island. From Ounalaska you will visit the seals islands St. Paul and St. George, from these

islands sailing as far north as Norton and Kotzebue Sound, in the autumn returning to Sitka, where further instructions will be given you.

I am, &c.

(Signed) GEO. S. BOUTWELL,
Secretary of Treasury.

Captain J. M. SELDEN,
Revenue-cutter "Reliance," Sitka, Alaska.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 18, 1870.

SIR:

* * * * * * *

Instructions were sent to you a few days ago to cause the "Reliance" to be fitted out immediately to cruize westward, and authority given for providing all requisite supplies, rations for six months, and a full complement of men. You are also authorized to employ a surgeon for the vessel, his services to terminate on the return of the "Reliance" to your port in the fall, probably not before October.

You will please instruct Captain Selden to keep a very accurate journal of everything transpiring on this voyage, at its termination forwarding to the Department chart of the course of ship, ports visited, miles sailed, &c.

Before sailing on this cruize Captain Selden will forward through your office lists of ship's company, with inventories of property on board. Wages paid to men will also be stated.

Captain Selden will be particular to note vessels boarded or spoken on the voyage, also vessels seized (if any), giving names, dates, and flag, and specifiying cause of seizure.

He will be especially observant (and note accordingly) of whatever occurs at the fur-bearing islands of St. Paul and St. George, so that the Department may be properly informed upon those points.

Lieutenants Hansell and Mason have been ordered to the "Reliance."

I am, &c.

(Signed) GEO. S. BOUTWELL,
Secretary of the Treasury.

WM. KAPERS, Esq.,
Collector, &c., Sitka, Alaska.

TREASURY DEPARTMENT, *May 25, 1870.*

SIR: By telegram of the 23rd instant the Collector of Customs at San Francisco has been instructed to put the revenue-steamer "Lincoln" in readiness for cruizing to the Aleutian Islands, Behring Sea, and the Islands of St. Paul and St. George.

You are ordered to the command.

Two additional officers, Lieutenants Bateman and Coulson, are ordered to join the vessel, and will shortly report to the Collector.

Collector Phelps has been instructed to cause ample supplies to be furnished.

You will proceed first to Nanaimo, and obtain, if necessary, additional sup-
66 plies of coal, and from thence take your course direct to Ounalaska (it is not considered important to go to Kodiak, and it may be avoided, the navigation being dangerous, and, besides, much more time being required than to sail due west to Ounalaska), where you can again coal, thence to the Islands of St. Paul and St. George.

Lieutenants Henderson and Barnes will be relieved, and will be received on board your ship to be conveyed to Puget Sound, from thence returning to the Atlantic coast.

The Department relies upon your discretion and good judgment in conducting this cruize to the best interests of the service and the Government. To this end you will cause to be carefully noted on ship's journal all the movements of your vessel, places touched at, vessels spoken, boarded, or seized; if seized, under what circumstances and for what cause.

It is essential that the Department be fully informed in relation to all which may be done by you in performance of the duty to which the "Lincoln" is assigned of protecting the interests of the Government in those waters.

On returning from this cruize you will proceed direct to Puget Sound. From thence you will forward to the Department your journal and reports of the cruize.

You will acknowledge receipt of these instructions, and, prior to sailing, forward lists of your officers and crew.

Wishing you a safe and prosperous cruize, I am, &c.

(Signed) GEO. S. BOUTWELL,
Secretary of the Treasury.

Captain C. M. SCAMMON,
Revenue-steamer "Lincoln," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 27, 1871.

SIR: Upon receipt of this order, you will proceed without delay to Port Townsend, Washington Territory, reporting on your arrival to the Collector of Customs at that port, for the command of the revenue-cutter "Reliance."

You will acknowledge the receipt of this order, and advise the Department when it shall have been obeyed.

I am, &c.

(Signed) WM. A. RICHARDSON,
Acting Secretary of the Treasury.

Captain JNO. A. WEBSTER, Jun.,
Revenue-cutter Service, Wilmington, Del.

Telegram.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 27, 1871.

"Lincoln" may go to Alaska, being absent from Port Towsend six weeks, if you and Leighton concur in believing she will prevent smuggling enough to justify expense.

(Signed) WM. A. RICHARDSON,
Acting Secretary of the Treasury.

M. S. DREW, *Collector of Customs,*
Port Townsend, Washington Territory vid Seattle.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 23, 1872.

SIR: Referring to your communication of the 22nd May last, stating that you had granted passage on the revenue-cutter "Reliance" from Kodiak to Ounalaska, Alaska Territorry, to Professor Alpho Pinant, who is travelling in that region for the benefit of science, there being no other means of conveyance for him between those points, and his application having the approval of the Collector of Customs at Sitka, &c., you are informed that your action in the premises, in consideration of the circumstances of the case, is approved by the Department.

I am, &c.

(Signed) GEO. S. BOUTWELL, *Secretary.*

Captain J. A. WEBSTER, Jun.,
Commanding Revenue-cutter "Reliance," Sitka, Alaska.

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67 *Telegram.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 12, 1873.

Take on board all necessary supplies and proceed with "Reliance" to Sitka, Alaska, and report to Collector for duty. Telegraph departure.

(Signed) WM. A. RICHARDSON, *Secretary.*

Captain J. G. BAKER,
Revenue-cutter "Reliance," Olympia, W. T.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., July 14, 1873.

SIR: Confirmatory of my telegram of the 12th instant, you are directed to take on board the revenue-cutter "Reliance," under your command, sufficient supplies of provisions, fuel, and water, with all articles belonging to the vessel, and, everything being in readiness, to proceed with your command to Sitka, Alaska, and report to the Collector of Customs at that port for duty in the waters of his collection district.

You will inform the Department of the dates of your departure for, and arrival at, the station designated.

I am, &c.

(Signed) WM. A. RICHARDSON, *Secretary.*

Captain J. G. BAKER,
Commanding Revenue-cutter "Reliance."

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 7, 1874.

SIR: I transmit herewith a copy of an Act of Congress, approved the 22nd April, 1874, authorizing the Secretary of the Treasury to appoint a Special Agent, and the Secretary of the Navy to detail an officer of the navy, for the purpose of visiting the various trading stations and Indian villages in the Territory of Alaska, the Seal Islands, and the large islands to the north of them, in Behring Sea, and collecting and reporting all possible authentic information upon the present condition of the seal fisheries of Alaska, &c.

You are informed that Mr. Henry W. Elliott and Lieutenant Washburn Maynard, United States navy, have been assigned to the duty contemplated by the Act of Congress referred to above, and you are authorized and directed, upon their application, to receive them on board the revenue-cutter "Reliance," under your command, and convey them to such points in the region named as they may desire to visit in the discharge of the duties imposed upon them by said Act. It will accordingly be necessary for you to make provision for supplies for an extended cruize.

* * * * * * *

I am, &c.

(Signed) F. A. SAWYER, *Acting Secretary.*

Captain J. G. BAKER, U. S. R. M.,
Commanding Revenue-cutter "Reliance," Port Townsend, W. T.

TREASURY DEPARTMENT, *Washington, D. C., May 5, 1875.*

SIR: Information derived from letters of the Collector of Customs at Sitka, Alaska, from the Reports of Special Agents of the Department, and more especially from a recent communication from the Secretary of War, makes it appear necessary that a vessel should be dispatched at as early a date as possible to the waters of Alaska, to aid in the suppression of smuggling there.

You will therefore direct Captain Scammon, commanding the revenue-steamer "Wolcott," at your port, to immediately take the necessary steps to prepare said vessel for a cruise to Sitka and such other parts of the coast of Alaska as upon conference with the Collector at the latter-named port it may be considered necessary to visit, and, everything being in readiness, you will instruct him to proceed with the "Wolcott" to Sitka, and, upon his arrival, to report to the Collector there for duty, and to obey any orders the latter may give him as to cruising in those waters compatible with the purposes of his voyage, and not inconsistent with his returning to Port Townsend by the 1st September next.

* * * * * * *

I am, &c.

(Signed) CHAS. F. CONANT, *Acting Secretary.*

HENRY A. WEBSTER, Esq.,
Collector of Customs, Port Townsend, W. T.

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68 TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 20, 1877.

SIR: The Department having determined to dispatch the revenue-steamer "Rush," under your command, to cruize in the waters of Alaska and among the Seal Islands for the protection of the sea-otter hunting-grounds and the seal fisheries, as well as the revenue from customs, you are directed immediately upon receipt hereof to take on board that vessel sufficient supplies of provisions, &c., for a five months' cruize, and such quantities of fuel and water as can be conveniently stored on board, and leave San Francisco, with your command, not later than the 1st May next, for the waters referred to, and make the best of your way to the places hereafter designated.

* * * * *

You will also touch at Fort Wrangel and Sitka, and leave at those places the copies of printed orders* relating to the protection of the Government interests in those waters which will be furnished you, and at Sitka you will confer with the Collector of Customs in relation to matters pertaining to the collection of the revenue in his district.

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* These and other printed orders hereinafter referred to will be found at pp. 100–102 of vol. i of the Appendix to the Case of the United States.

From that port you will proceed direct to Kodiak and thence to Ounalaska, touching at Ounga and Belcovski *en route*, and posting at each of those places copies of the orders mentioned above, and conforming to instructions communicated to you in Department letter of even date herewith.

* * * * * * *

Having supplied the "Rush" with coal, you will cruize actively with said vessel among the Aleutian Islands until about the 10th September, and will strictly enforce the instructions of the Department contained in the printed orders and the letter of authority referred to above. To this end you will visit St. Paul and St. George at least twice during the season, and cover in your cruizing the sea-otter hunting-grounds from Kodiak to Ounalaska, and you will in the course of the season make one cruize to the westward, if practicable, as far as Attou, and touch at the principal otter-hunting stations between that island and Ounalaska.

* * * * * * *

I am, &c.

(Signed) JOHN SHERMAN,
Secretary of the Treasury.

Captain GEO. W. BAILEY, U. S. R. M.,
Commanding Revenue-steamer "Richard Rush,"
San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., June 28, 1878.

SIR: The Department having determined to dispatch the revenue-steamer "Rush," under your command, to cruize in the waters of Alaska for the enforcement of the provisions of law and protection of the interests of the Government on the Seal Islands and sea-otter hunting-grounds of Alaska generally, you are directed to take on board that vessel, without delay, sufficient supplies of provisions, &c., for a five months' cruize, and such quantities of fuel and water as can be conveniently stored on board, and leave San Francisco, with your command, by the 10th proximo, if practicable, for the waters named, and make the best of your way to the places hereinafter designated.

* * * * * * *

You will also touch at Fort Wrangel and Sitka, and leave at those places copies of printed orders relating to the protection of the Government interests in those waters will be furnished you.

From the last-named port you will proceed direct to Kodiak, and thence to Ounalaska, touching at Ounga and Belcovski *en route,* and posting at each of these places copies of the orders mentioned above.

* * * * * * *

Having supplied the "Rush" with coal you will cruize actively with said vessel amongst the Aleutian Islands until the last of October, if practicable, and will strictly enforce the instructions of the Department contained in the printed orders and the letter of authority referred to above. To this end you will visit St. Paul and St. George at least twice during the season, and cover in your cruizing the sea-otter hunting-grounds from Kodiak to Ounalaska, leaving an officer and two men on Otter Island during the sealing season to prevent the killing of seals on that island; and you will, in the course of the season, make one cruize to the westward, if practicable, as far as Attou, and touch at the principal otter-hunting stations between that island and Ounalaska.

* * * * * * *

Very respectfully,

(Signed) JOHN SHERMAN, *Secretary.*

Captain G. W. BAILEY,
Commanding Revenue-steamer "Richard Rush,"
San Francisco, California.

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69 TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 21, 1879.

SIR: During the cruize of the revenue-steamer "Rush," under your command, in Alaskan waters, the ensuing season, you will cause soundings, bearings, geographical and astronomical observations, notes on tides and currents, and the position of

rocks, bars, &c., to be taken in the interest of science, and, on return of the "Rush" to San Francisco, submit detailed Reports of the same to the Department for transmission to the United States Coast Survey.

I transmit herewith a copy of a letter of the 12th instant from the Superintendent of the Coast Survey, making suggestions in regard to the localities where special observations are desired, as indicated on duplicate sets of Charts forwarded herewith, one of which you will return with your Report referred to above, retaining the other on board the vessel.

The Coast Survey has expressed to the Department its appreciation of the great importance to science of the information heretofore obtained by you, and you will give the subject all the attention you may be able, during the contemplated cruize of the "Rush," without interfering with the regular duties of the vessel.

Very respectfully,

(Signed) JOHN SHERMAN, *Secretary.*

Captain GEO. W. BAILEY,
Commanding Revenue-steamer "Richard Rush,"
San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 15, 1880.

SIR: The Department having determined to dispatch the revenue-steamer "Corwin," under your command, to cruize in the waters of Alaska for the enforcement of the provisions of law and protection of the interests of the Government on the Seal Islands and the sea-otter hunting-grounds, and of Alaska generally, you are directed to take on board that vessel, without delay, supplies of provisions for a six months' cruize, and sufficient quantities of fuel and water, and leave San Francisco, with your command, not later than the 22nd instant for the waters named, and make the best of your way to the places hereinafter designated.

It is desirable that you should be in Behring Sea and the Arctic Ocean as early in the season as the opening of navigation will permit. You will accordingly proceed from San Francisco direct to Ounalaska, and on arrival there will take in a fresh supply of coal. From this point you will proceed to Norton Sound, touching at the Seal Islands on your way. You will leave an officer and two men on Otter Island, for the purpose of protecting the seals there, unless you should deem it necessary to take all your command with you in your further cruize to the northward.

It is expected that you will time the movements of your vessel so as to arrive in Norton Sound before Behring Straits are open for the passage of vessels, and that you will avail yourself of the first opportunity to push into the Arctic Ocean.

* * * * * * *

By reference to the Report of Captain George W. Bailey, United States Revenue Marine, who commanded the revenue-steamer "Rush" in her cruize last year in Alaskan waters, you will observe that Kotzebue Sound in the Arctic Ocean is reported as the rendezvous of a number of vessels engaged in illicit traffic with the natives of Alaska in rum and fire-arms.

You will use your utmost endeavours to apprehend any such vessels as you may find thus engaged, and break up their illegal trade.

* * * * * *

Should you be able to accomplish your mission in the Arctic Ocean early in the season, or find it necessary, in carrying out these instructions, to return to the Seal Islands before the usual time (say, the 10th October) for the return of the revenue-steamer from those waters, you will make a cruize to the westward from Ounalaska as far as Attou, with the general object of protecting the sea-otter hunting-grounds, and breaking up the business of the illicit traders who frequent those waters.

* * * * * * *

You will, whenever opportunity presents, transmit to the Department Reports of the progress of your cruize.

Very respectfully,

(Signed) JOHN SHERMAN, *Secretary.*

Captain C. L. HOOPER,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 15, 1880.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Corwin," under your command, to Alaska, on special duty in con-

nection with the seal fisheries, you are hereby clothed with full powers to enforce the law contained in the provisions of Section 1956 of the United States Revised Statutes, and directed to seize all vessels and arrest and turn over to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

70 You will also seize any liquors or arms attempted to be introduced into the country without proper permit, under the provisions of Section 1965 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

A copy of said Proclamation is inclosed.

Very respectfully,

(Signed) JOHN SHERMAN, *Secretary.*

Captain C. L. HOOPER,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1881.

SIR: The Department having determined to dispatch the revenue-steamer "Corwin," under your command, to cruize in the waters of Alaska for the enforcement of the provisions of law and the protection of the interests on the Government of the Seal Islands and the sea-otter hunting-grounds, and Alaska generally, you are directed to take on board that vessel, without delay, supplies of provisions for a six months' cruize, and sufficient quantities of fuel and water, and leave San Francisco, with your command, not later than the 1st proximo, for the waters named, and make the best of your way to the places hereinafter designated.

It is desirable that you should be in Behring Sea and the Arctic Ocean as early in the season as the opening of navigation will permit. You will accordingly proceed from San Francisco direct to Ounalaska, and on arrival there will take in a fresh supply of coal. From this point you will proceed to the Arctic Ocean, touching at the Seal Islands and at St. Michael's, if practicable, on your way. You will leave an officer and two men on Otter Island for the purpose of protecting the seals there, unless, after conferring with the Special Agent in charge of the Seal Islands, you should deem it necessary to take all your command with you in your further cruize to the northward. Should you enter Norton Sound, it is expected you will time the movements of your vessel so as to arrive in those waters before Behring Straits are open for the passage of vessels. Following the instructions for your cruize of last year governing the illicit traffic with the natives, by unauthorized parties, in fire-arms, ammunition, and distilled spirits, you will use your utmost endeavours to apprehend any vessels you may find engaged in such illicit traffic, and break up their illegal trade.

* * * * * * *

Very respectfully,

(Signed) WILLIAM WINDOM, *Secretary.*

Captain C. L. HOOPER,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1881.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Corwin," under your command, to Alaska, on special duty in connection with the seal fisheries, you are hereby clothed with full powers to enforce the law contained in the provisions of Section 1956 of the United States Revised Statutes, and directed to seize all vessels and arrest and turn over to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given. Herewith is transmitted, for your information and guidance, a copy of Department letter of the 12th ultimo,* addressed to Mr. D. A. d'Ancona, of San Francisco, interpreting the law regulating the killing of fur-bearing animals in the Territory of Alaska.

You will also seize any fire-arms, ammunition, and distilled spirits attempted to be introduced into the country without proper permit, under the provisions of Sec-

* See vol. i of the Appendix of the Case of the United States, p. 102.

tion 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

A copy of said Proclamation is inclosed.

Very respectfully,

(Signed) WILLIAM WINDOM, *Secretary.*

Captain C. L. HOOPER,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 9, 1881.

SIR: You are directed, as soon as practicable after the receipt hereof, to take on board the necessary supplies of provisions, &c., for a two months' cruize, together with such quantities of fuel and water as may be necessary, and proceed with the revenue-steamer "Rush," under your command, on a cruize to Alaska, for the purpose of protecting the seal fisheries and the sea-otter hunting-grounds against the depredations of unauthorized parties, and looking after the interests of the Government generally in that territory.

71 You will first touch at Ounalaska, and will proceed thence to the Islands of St. George and St. Paul, and confer with the Special Agent in charge of the seal fisheries.

At the first-named port you will take on such supplies of fuel from that in store belonging to the Revenue Marine Service as may be necessary for your cruizing.

Inclosed you will find copies of communication received at the Treasury Department, from which it appears that a system of illicit trading and unlawful taking of seals and other fur-bearing animals is being carried on by small vessels amongst the waters of the Aleutian archipelago. The schooners "Flying Mist," Captain Walker, "Otter," Captain Littlejohn, and "Alexander," Captain Libbey, are reported as being engaged, or about to engage, in this unlawful work.

Inclosed, also, you will find a copy of the decision of the Department in the case of Mr. d'Ancona, from which you will see that no persons, excepting those duly authorized by the Department, have the right to take seals or other fur-bearing animals anywhere within Alaskan waters. By the same letter the limits of what are known as Alaskan waters are defined.

You will exercise the utmost vigilance in your search for parties engaged in traffic, and in the seal and fur fisheries, contrary to law or the Regulations of the Department, and will seize any vessels or persons thus engaged.

Should you seize any vessel, you will obtain all possible evidence regarding her illegal pursuits, and deliver her to the Collector of Customs at the port of San Francisco.

From the Seal Islands you will make a cruize to the westward as far as Attou, if practicable, with a view to protecting the sea-otter hunting-grounds, and will return thence by way of Ounalaska, from which point you will proceed a second time to the Seal Islands, keeping a sharp outlook for marauding vessels.

Thence you will return to San Francisco by way of Kodiak and Sitka, at which latter place you will communicate with the Collector of Customs, and receive from him such information or suggestions as he may have to offer. After leaving the latter port you will touch at Victoria for a supply of coal, if necessary.

Should you purchase coal at this place, you will certify bills therefor to the Department.

You will report to the Department by telegraph the day when you are ready to sail. It is desired that you enter upon this cruize with the least practicable delay.

You will submit a full Report of your cruize under these instructions.

Very respectfully,

(Signed) WILLIAM WINDOM, *Secretary.*

First Lieutenant M. A. HEALY,
Commanding Revenue-steamer "Rush," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 12, 1882.

SIR: The Department having determined to dispatch the revenue-steamer "Corwin," under your command, to cruize in the waters of Alaska for the enforcement of the provisions of law and protection of the interests of the Government on the Seal Islands and the sea-otter hunting-grounds, and of Alaska generally, you are directed to take on board that vessel, without delay, sufficient supplies of provisions for a

six months' cruize, and such quantities of fuel and water as can be conveniently stored on board, and leave San Francisco with your command not later than the 25th instant for the waters named, and make the best of your way to the places hereinafter designated.

* * * * * * *

Having supplied the "Corwin" with coal, you will cruize actively with said vessel amongst the Aleutian Islands, and in Norton and Kotzebue Sounds, going as far as Point Barrow, if found practicable, until the 20th October next, and will strictly enforce the instructions contained in the printed orders and the letter of authority referred to above. To this end you will visit St. Paul and St. George at least twice during the season, and cover in your cruizing the sea-otter hunting-grounds from Kodiak to Ounalaska, leaving an officer and two seamen on Otter Island during the sealing season to prevent the killing of seals on that island, and you will, in the course of the season, make one cruise to the westward, if practicable, as far as Attou, and touch at the principal otter-hunting stations between that island and Ounalaska.

* * * * * * *

Very respectfully,

(Signed) CHAS. J. FOLGER, *Secretary.*

Lieutenant M. A. HEALY,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 11, 1883.

SIR: The Department having determined to dispatch the revenue-steamer "Corwin," under your command, to cruize in the waters of Alaska for the enforcement of the provisions of law and protection of the interests of the Government on the Seal Islands and the sea-otter hunting-grounds, and of Alaska generally, you are directed to take on board that vessel, without delay, sufficient supplies of provisions for a five months' cruize, and such quantities of fuel and water as can be conveniently stowed on board, and to leave San Francisco with your command by Monday, the 21st instant, if practicable, for the waters named, and make the best of your way to the places hereinafter designated.

72 You will touch at Departure Bay, and take on board all the coal that the "Corwin" can carry consistently with safety, bills for which, properly certified, you will transmit to the Department. You will also touch at Fort Wrangel and Sitka, and leave at those places the copies of printed orders relating to the protection of the Government interests in those waters which will be furnished you.

* * * * * * *

Having supplied said vessel with coal, you will cruize actively with your command amongst the Aleutian Islands and in Norton and Kotzebue Sounds, going as far as Point Barrow, if found practicable, until the 20th October next, and will strictly enforce the instructions contained in the printed orders and the letter of authority of this date. To this end you will visit St. Paul and St. George at least twice during the season, and cover in your cruizing the sea-otter hunting-ground from Kodiak to Ounalaska, leaving an officer and two seamen on Otter Island during the sealing season to prevent the killing of seals on that island, and you will, in the course of the season, make one cruize to the westward, if practicable, as far as Attou, and touch at the principal otter-hunting stations between that island and Ounalaska.

* * * * * * *

Very respectfully,

(Signed) CHAS. J. FOLGER, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 11, 1883.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Corwin," under your command, to Alaska, on special duty in connection with the seal fisheries, you are hereby clothed with full powers to enforce the law contained in the provisions of Section 1956 of the United States Revised Statutes, and instructed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

Very respectfully,

(Signed) CHAS. J. FOLGER, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 18, 1884.

SIR: The Department having determined to dispatch the revenue-steamer "Corwin," under your command, to cruize in the waters of Alaska for the enforcement of the provisions of law and protection of the interests of the Government on the Seal Islands and sea-otter hunting-grounds, and of Alaska generally, you are directed to take on board that vessel, without delay, sufficient supplies of provisions for a six months' cruize, and such quantities of fuel and water as can be conveniently stowed on board, and to leave San Francisco with your command by the 26th instant, if practicable, for the waters named, and make the best of your way to the places hereinafter designated.

You will proceed first to Ounalaska, where you will take a supply of coal from that in store belonging to the Revenue Marine; from this point you will cruize actively with your command in Norton and Kotzebue Sounds, going as far as Point Barrow, if found practicable, and amongst the Aleutian Islands, continuing your cruizing until the 20th October next. You will strictly enforce the instructions contained in the printed orders and the letter of authority of this date, clothing you with power to make arrests, &c.

To effectually guard the seal fisheries and protect the seal life, you will visit St. Paul and St. George at least twice during the season, and you will cover in your cruizing the sea-otter hunting-grounds from Kodiak to Ounalaska, leaving an officer and two seamen on Otter Island during the sealing season to prevent the killing of seals on that island.

You will at least once in the course of the season make a cruize to the westward, as far as Attou, if practicable, touching at the principal otter-hunting stations between that island and Ounalaska.

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Very respectfully,

(Signed) CHAS. J. FOLGER, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Corwin," San Francisco, California.

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73 TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 18, 1884.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Corwin," under your command, to Alaska, on special duty in connection with the seal fisheries, you are hereby clothed with full power to enforce the law contained in the provisions of Section No. 1956 of the United States Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

Very respectfully,

(Signed) CHAS. J. FOLGER, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 18, 1885.

SIR: The Department having determined to dispatch the revenue-steamer "Corwin," under your command, to cruize in the waters of Alaska for the enforcement of the provisions of law and protection of the interests of the Government on the Seal

Islands and sea-otter hunting-grounds, and of Alaska generally, you are directed to take on board that vessel, without delay, sufficient supplies of provisions for a six months' cruize, and such quantities of fuel and water as can be conveniently stowed on board, and leave San Francisco with your command by the 25th instant, if practicable, for the waters named, and make the best of your way to the places hereafter designated.

You will proceed first to Ounalaska, where you will take on a supply of coal from that in store belonging to the Revenue Marine. From this point you will cruize actively with your command amongst the Aleutian Islands, and in Norton and Kotzebue Sounds, and you will go as far as Point Barrow, if found practicable, continuing your cruizing until the 20th October next.

You will strictly enforce the instructions contained in the printed orders, and the letter of authority of this date, clothing you with power to make arrests, &c.

To effectually guard the seal fisheries, and protect the seal life, you will visit and cruize in the neighbourhood of St. Paul and St. George at least twice during the season, and you will cover in your cruizing the sea-otter hunting-grounds from Kodiak to Ounalaska, leaving an officer and two seamen on Otter Island during the sealing season to prevent the killing of seals on that island.

You will at least once in the course of the season make a cruize to the westward, as far as Attou if practicable, touching at the principal otter-hunting stations between that island and Ounalaska.

* * * * * * *

Very respectfully,

(Signed) D. MANNING, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-Steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 18, 1885.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Corwin," under your command, to Alaska, on special duty in connection with the seal fisheries, you are hereby clothed with full powers to enforce the law contained in the provisions of Section No. 1956 of the United States Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

Very respectfully,

(Signed) D. MANNING, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Corwin," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 21, 1886.

SIR: The Department has determined to dispatch the revenue-steamer "Bear," under your command, on a cruize to the Seal Islands, and into the Arctic Ocean, for the enforcement of the provisions of law and the protection of the interests of the Government in that territory; also to search for and obtain information, if possible, of the officers and crew (thirty-five persons in all) of the whaling barque Amethyst," which vessel was last seen in the Arctic Ocean, off Cape Lisburne, the 12th October, 1885, and is supposed to have been lost on one of the islands in Behring Sea.

74 You will therefore immediately prepare for the voyage, taking on board sufficient supplies of provisions for a six months' cruize, and such quantities of fuel and water as can be conveniently stowed on board, and leave San Francisco with your command at the earliest date practicable, and make the best of your way to the places hereinafter designated, and to such other points as you may deem advisable for the purpose stated.

You will proceed first to Ounalaska, where you will take a supply of coal from that in store belonging to the Revenue Marine, and thence to the Seal Islands and into the Arctic Ocean, going as far north as Point Barrow, if found practicable, and continuing your cruize as late into the season as may seem to you to be advisable.

You will strictly enforce the instructions contained in the printed orders and the letter of authority of this date, clothing you with the power to make arrests, &c.

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From the nature of the duties in which you and your command are about to engage, a great deal must of necessity be left to your judgment, and, from your former services and experience in the waters of Alaska, the Department feels justified in leaving the details of your cruize to your discretion.

You will telegraph the date of your departure from San Francisco, and of the return of your command to that port.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Acting Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, April 21, 1886.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Bear," under your command, to the Seal Islands, &c., you are hereby clothed with full power to enforce the law contained in the provisions o Section 1956 of the United States Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or fire-arms attempted to be introduced into the country without proper permit, under provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated 4th February, 1870.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Acting Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 28, 1886.

SIR: The Department having determined to dispatch the revenue-steamer "Corwin," under your command, for a cruize in the waters of Alaska for the enforcement of the provisions of law and the protection of the interests of the Government on the Seal Islands and sea-otter hunting-grounds, and of Alaska generally, you are directed to take on board the "Corwin," without delay, sufficient supplies of provisions for a four months' cruize, and such quantities of fuel and water as can be conveniently stowed on board, and leave Astoria with your command at the earliest date practicable for the waters named, and make the best of your way to the places hereinafter designated.

You will proceed first to Ounalaska, where you will take a supply of coal from that in store belonging to the Revenue Marine. From this point you will cruize actively with your command amongst the Aleutian Islands, and in the vicinity of the Seal Islands, going as far north as St. Mathew's Island, and continuing your cruize until the latter part of September, unless sooner relieved by the revenue-steamer "Bear," which vessel is now on a cruize to the Arctic, and is expected to arrive at the Seal Islands on her return trip between the 1st and 15th September next. You will strictly enforce the instructions contained in the printed orders and the letter of authority of this date, clothing you with power to make arrests, &c., and you will endeavour to effectually guard the seal fisheries and protect the seal life; and to this end you will lay off and on, around the Seal Islands, the greater part of the time, making occasional visits to Unga and Belcovski in the sea-otter interests. If practicable, you will make one cruize during the season to the westward, as far as Attou, touching at the principal otter-hunting stations between that island and Ounalaska, at which latter place you will take on your supplies of fuel and water.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Acting Secretary.*

Captain CHARLES A. ABBEY,
Commanding Revenue-steamer "Corwin," Astoria, Oregon.

75 TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 28, 1886.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Corwin," under your command, to Alaska, on special duty in connection with the seal fisheries, you are hereby clothed with full power to enforce the law contained in the provisions of Section 1956 of the United States Revised Statutes, and directed to seize all vessels and arrest and deliver to the proper authorities any or all persons whom you may detect violating the law referred to, after due notice shall have been given.

You will also seize any liquors or arms attempted to be introduced into the country without proper permit, under the provisions of Section 1955 of the Revised Statutes, and the Proclamation of the President dated the 4th February, 1870.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Acting Secretary.*

Captain C. A. ABBEY,
Commanding Revenue-steamer "Corwin," Astoria, Oregon.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 10, 1887.

SIR: The Department has determined to dispatch the revenue-steamer "Bear," under your command, on a cruize to the Seal Islands and into the Arctic Ocean for the enforcement of the provisions of law and the protection of the interests of the Government in the Territory of Alaska. You will immediately prepare for the voyage, and leave San Francisco, with your command, at the earliest date practicable, and make the best of your way to the places hereinafter designated, and to such other points as you may deem advisable for the purposes stated.

You will proceed first to Ounalaska, where you will take on board such quantity of coal as may be needed from that in store belonging to the Revenue Marine. Thence you will proceed to the Seal Islands, where you will remain to guard the seal fisheries and protect the seal life until relieved by another revenue-vessel.

Upon being relieved from this duty you will continue to cruize in Behring Sea and along the coast of Alaska, visiting the Islands of St. Mathew and St. Lawrence, and the several trading posts along the coast. Should you deem it necessary for the protection of the Government interests, you are authorized to proceed into the Arctic Ocean as far as Point Barrow, if in your judgment it can be done without endangering the vessel.

You will time your cruize so as to return to the Seal Islands about the 15th September next, and you will remain in the vicinity of those islands as late in the month of October as you may consider necessary to protect the Government interests there, and upon your return you will proceed direct from Ounalaska to San Francisco, unless it should be necessary for you to go to Sitka on account of any seizures that may be made by you or by the revenue-steamer "Rush."

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For your guidance in protecting the interests of the Government on this cruize, your attention is invited to the special instructions of even date herewith.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 10, 1887.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Bear," under your command, to the Seal Islands, &c., you are hereby clothed with full power to enforce the law contained in section 1956 of the United States Revised Statutes, which prohibits the killing of any otter, mink, marten, sable, or fur-seal, or other fur-bearing animals, within the limits of Alaska Territory, or in the waters thereof, except as provided in Sections 1960 and 1962 of said Statutes, and Department Regulations of the 21st April, 1879. Your attention is called to Section 1961 of the Revised Statutes, which forbids the killing anywhere of female seals, and seals less than 1 year old.

You will use the force at your command to the end that no persons attached to or connected with any vessels of the United States violate this law, and will strictly enforce the penalties provided for such violation.

You will be diligent in enforcing the laws against the importation of intoxicating liquors and breach-loading rifles and ammunition into the Territory of Alaska, your attention being directed to the Executive Order of the 4th May, 1887, a copy of which is inclosed.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

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76 *Telegram.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 18, 1887.

First paragraph of your instructions relates to all vessels found within the limits of Alaska Territory, or in the waters thereof, engaged in violating the provisions of Section 1956, Revised Statutes. The specific mention of American vessels has reference to violation of Section 1961, Revised Statutes, and applies to them wherever found violating the law.

(Signed) HUGH S. THOMPSON, *Acting Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 28, 1887.

SIR: The Department having determined to dispatch the revenue-steamer "Rush," under your command, for a cruize in the waters of Alaska for the enforcement of the provisions of law in those waters, and for the protection of the interests of the Government on the Seal Islands, you are directed to leave San Francisco, with your command, at the earliest date practicable, for the waters named, and make the best of your way to the places hereinafter designated.

You will proceed first to Ounalaska, where you will take a supply of coal from that in store belonging to the Revenue Marine. Thence you will proceed to the Seal Islands, relieving the revenue-steamer "Bear" from duty at that place, and cruize actively with your command, with the view to effectually guard the seal fisheries and protect the seal life. To this end you will lay off and on around the islands the greater part of the time, returning at intervals to Ounalaska for coal.

You will remain in the vicinity of the Seal Islands until the latter part of September next, unless sooner relieved by the steamer "Bear," which vessel is expected to return to the islands between the 1st and 5th September next.

After being relieved by the "Bear," you will, if practicable, visit the Islands of Unga and Belcovskie, in the sea-otter interests, and such other points in that portion of Alaska as may require your attention, and will then return to San Francisco. For your guidance in protecting the interests of the Government on this cruize, your attention is invited to the special instructions of even date herewith.

In carrying out these instructions, you will cruize the "Rush" under canvas, to assist steam, as far as may be practicable.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Captain L. G. SHEPARD,
Commanding Revenue-steamer "Rush," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 28, 1887.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Rush" to the Seal Islands, &c., you are hereby clothed with full power to enforce the law contained in Section 1956 of the United States Revised Statutes, which prohibits the killing of any otter, mink, marten, sable, or fur-seal, or other fur-bearing animals, within the limits of Alaska Territory, or in the waters thereof, except as provided in Sections 1960 and 1962 of said Statutes, and Depart-

ment Regulations of the 21st April, 1879. Your attention is called to Section 1961 of the Revised Statutes, which forbids the killing anywhere of female seals and seals less than 1 year old.

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Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Captain L. G. SHEPARD,
Commanding Revenue-steamer "Rush," San Francisco California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, May 28, 1887.

SIR: Referring to letter of this date, containing instructions in relation to the enforcement of the laws pertaining to the killing of seals, &c., you are informed that similar instructions were recently sent to Captain M. A. Healy, commanding the revenue-steamer "Bear," who telegraphed for more definite directions.

A copy of the reply to the telegram of that officer is inclosed, for your information.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Captain L. G. SHEPARD,
Commanding Revenue-steamer "Rush," San Francisco, California.

77 NOTE.—Copies of the following letters were also inclosed:

Secretary Manning to the Collector of Customs at San Francisco, the 6th March, 1886, for which see vol. i, Appendix of the United States Case, p. 163; Acting Secretary French to D. A. d'Ancona, the 12th March, 1881, for which see same volume, p. 102.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 16, 1888.

SIR: The Department having determined to dispatch the revenue-steamer "Bear," under your command, for a cruize in the waters of Alaska for the enforcement of the provisions of law in those waters, and for the protection of the interests of the Government on the Seal Islands, you are directed to leave San Francisco, with your command, at the earliest date practicable, for the waters named, and make the best of your way to the places hereinafter designated.

You will proceed first to Ounalaska, and thence to the Seal Islands, with the view to effectually guard the seal fisheries, and protect the seal life. To this end you will lay off and on around the islands the greater part of the time, returning to Ounalaska when necessary, at which place you will take on any needed supplies of coal from that in store belonging to the Revenue Marine. You will remain in the vicinity of the Seal Islands until the latter part of September next, unless sooner relieved by the steamer "Rush," which vessel is expected to leave San Francisco about the 1st July, and in that event further orders will be sent you. Should you receive no other orders from the Department, you will return to San Francisco as above directed, visiting on your return the Islands of Unga and Belcovskie, in the sea-otter interests, and such other points in that portion of Alaska as may require your attention.

For your guidance in protecting the interests of the Government on this cruize, your attention is invited to the special instructions of even date herewith.

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Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 16, 1888.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Bear" to the Seal Islands, &c., you are hereby clothed with full power and directed to enforce the provisions of law contained in Section 1966 of the United States Revised Statutes, which prohibits the killing of any otter, mink, marten, sable, or fur-seal, or other fur-bearing animals, within the limits of Alaska Territory, or in the waters thereof, except as provided in Sections 1960 and 1962 of said Statutes, and Department Regulations of the 21st April, 1879. Your

attention is called to Section 1961 of the Revised Statutes, which forbids the killing anywhere of female seals and seals less than 1 year old. You will use the force at your command to the end that no persons attached to or connected with any vessel of the United States violate this law, and will strictly enforce the penalties provided for such violation.

You will be diligent in enforcing the laws against the importation of intoxicating liquors and breech-loading rifles and ammunition into the Territory of Alaska, your attention being directed to the Executive Order of the 4th May, 1887, copies of which are inclosed.

Respectfully yours,

(Signed) C. S. FAIRCHILD, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 23, 1889.

SIR: The President having designated the revenue-steamer "Rush," under your command, to cruize in the waters of Behring Sea for the protection of the seal fisheries and the interests of the Government on the Seal Islands and the sea-otter hunting-ground, and the enforcement of the provisions of law, you are directed to leave San Francisco, with your command, at the earliest date practicable, for the waters named, proceeding by the way of Unga and Belcovskie to Ounalaska, at which place you will take on board such supplies of coal as may be necessary from that in store belonging to the Revenue-cutter Service.

From Ounalaska you will proceed into Behring Sea, the waters of which you will diligently cruize, and arrest all persons and seize all vessels found to be or have been engaged in any violation of the laws of the United States therein, proceeding to Ounalaska when necessary.

You will remain with your command in the waters named as late in the season as you may deem proper to carry out the instructions of the Department.

You will receive from the owners of such vessels as may have sailed for Behring Sea on sealing or other hunting voyages open letters of recall addressed to the
78 captains of the same, which letters will be delivered if such vessels are fallen in with and are found not to have committed any violations of the laws of the United States.

Herewith are transmitted thirty copies of the President's Proclamation of the 21st March, 1889, for distribution to parties affected thereby, as far as may be practicable.

For your guidance in protecting the interests of the Government on this cruize, your attention is invited to the special instructions of even date herewith.

You will advise the Department by telegraph of the date of leaving San Francisco, and of your return to that port.

Respectfully yours,

(Signed) W. WINDOM, *Secretary.*

Captain L. G. SHEPARD,
Commanding Revenue-steamer "Rush," San Francisco, California.

(Same to Captain Healy, of Revenue-steamer "Bear.")

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 23, 1889.

SIR: Referring to Department letter of this date, directing you to proceed with the revenue-steamer "Rush" to cruize in the waters of Behring Sea, you are hereby clothed with full power and directed to enforce the provisions of law contained in Section 1956 of the United States Revised Statutes, which prohibits the killing of any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal, within the limits of Alaska Territory, or in the waters thereof, except as provided in Sections 1960 and 1962 of said Statutes, and in Department Regulations of the 21st April, 1879.

You will also be diligent in enforcing the laws against the importation of intoxicating liquors and breech-loading rifles and ammunition into the Territory of Alaska.

Your attention is called to the Proclamation of the President dated the 21st of March, 1889, and the Executive Order of the 4th February, 1870, copies of which are inclosed.

Respectfully yours,

(Signed) W. WINDOM, *Secretary.*

Captain L. G. SHEPARD,
Commanding Revenue-steamer "Rush," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 21, 1890.

SIR: You are informed that the President has designated the revenue-steamer "Bear," under your command, to cruize in the waters of Behring Sea for the protection of the seal fisheries and the interests of the Government on the Seal Islands and the sea-otter hunting-grounds. You are accordingly clothed with full power and are hereby directed to enforce the provisions of law contained in Section 1956 of the Revised Statutes, as supplemented by section 3 of the Act of the 2nd March, 1889, except as provided in Sections 1960 and 1962 of said Statutes, amended by Act of Congress, approved the 24th March, 1874, and in Department Regulations of the 21st April, 1879.

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You will time your cruize in the Arctic so as to reach Ounalaska on your return trip not later than the 1st September next. After taking on board at the latter-named place a supply of coal from the store-house, you will proceed into Behring Sea, the waters of which you will diligently cruize, and arrest all persons and seize all vessels found to be or to have been engaged in any violation of the laws of the United States therein.

If from any cause you shall find it impracticable to take into port any such vessel with her tackle, apparel, furniture, and cargo, and deliver the same into the custody of the proper officer of the United States, you will take possession of the log-book, documents, and other papers pertaining thereto, also of all skins of fur-bearing animals found on board thereof, any portion of which have been unlawfully taken in said waters, and will also seize the implements a d appliances belonging to and used by such vessel, or the crew thereof, in killing fur-bearing animals contrary to law, or in taking and preserving the skins of the same.

You will remain in Behring Sea in the performance of the duty for which the vessel has been designated by the President as late in the season as in your judgment may be necessary, and upon the completion of this duty you will return to San Francisco.

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Herewith are transmitted copies of the President's Proclamation of the 15th March, 1890, and the Law relating to the salmon fisheries, for distribution, as far as may be practicable, to parties affected thereby.

Herewith is also transmitted, for your information and for distribution, copies of Department letter, dated the 12th March, 1881, to Mr. D. A. d'Ancona, of San Francisco.

79 You will advise Department by telegraph of the date of leaving Seattle, and of your return to San Francisco.

Respectfully yours,

(Signed) W. WINDOM, *Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," Seattle, Washington.

(Same to Captain Coulson, of the revenue-steamer "Rush," and to Captain Hooper, of the revenue-steamer "Corwin.)

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 17, 1891.

SIR: The Honourable the Attorney-General has requested that a revenue-vessel be sent to Alaska for the purpose of arresting certain murderers and picking up the necessary witnesses in that portion of the Territory west of Sitka, and conveying them to that place in time for the May term of Court.

You are accordingly directed to proceed with the revenue-steamer "Bear," under your command, at the earliest date practicable, to Seattle, Washington, at which place you will take on from the Black Diamond Coal and Mining Company such quantity of coal as the vessel can conveniently carry. Thence you will proceed direct to Ounalaska, and receive on board the Deputy United States Marshal at that place. From Ounalaska you will visit the Seal Islands, for the purpose of delivering the mails and receiving communications for the Department. After leaving the Seal Islands, you will visit such places as the Deputy Marshal may desire, and as in your judgment may be expedient, for the purpose of arresting criminals and collecting witnesses, and will then proceed to Sitka and report to the United States Marshal at that place, to whom you will deliver any prisoners and others that may be in your custody.

Upon the completion of this duty, should it not be absolutely necessary for you to return to San Francisco before making your regular cruize to the north, you will pro-

ceed to Seattle for fuel and supplies, and there await further instructions from the Department.

You will telegraph the dates of your departure from San Francisco, your arrival and departure from Seattle, and your return to either of the ports named.

Very respectfully,

(Signed) O. L. SPAULDING, *Assistant Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 17, 1891.

SIR: Referring to Department orders of this date, directing you to proceed with your command to Alaska, you are hereby clothed with full power and instructed to enforce the laws against the importation of distilled spirits and fire-arms into that Territory, and to make arrests of all persons and seize all vessels found violating the same.

In this connection your attention is invited to Section 1955 of the Revised Statutes, authorizing the seizure of the articles and of the vessels (if the value of the prohibited articles exceeds 400 dollars) engaged in the traffic.

You will exercise great care in making arrests and seizing articles, and see that you have sufficient evidence on which to convict the parties engaged in this unlawful business.

Respectfully yours,

(Signed) O. L. SPAULDING, *Assistant Secretary.*

Captain M. A. HEALY,
Commanding Revenue-steamer "Bear," San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 9, 1891.

SIR: You are informed that the President has designated the revenue-steamer "Rush," under your command, to cruize in the waters of Alaska Territory for the protection of the seal fisheries and the interests of the Government on the Seal Islands and the sea-otter hunting-grounds. You are accordingly clothed with full power, and are hereby directed to enforce the provisions of law contained in Section 1956 of the Revised Statutes, as supplemented by section 3 of the Act of the 2nd March, 1889, except as provided in Sections 1960 and 1962 of said Statutes, amended by Act of Congress approved the 24th March, 1874, and in Department Regulations of the 2nd April, 1879.

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You are informed that in the event of any seizures being made the United States District Court at Sitka has jurisdiction over such cases.

Herewith are transmitted copies of the President's Proclamation of the 4th April, 1891, and of the Law relating to the salmon fisheries, for distribution, as far as may be practicable, to parties affected thereby.

* * * * * * *

80 Special instructions in regard to the protection of fur-bearing animals in the Territory of Alaska, or the waters thereof, will be sent to you, either by telegraph or by mail, before sailing.

You will remain in the vicinity of the Seal Islands and Ounalaska until the 20th September next, or until the return of the steamer "Bear," which vessel is expected to arrive at Ounalaska from the Arctic early in September next, and you will then return, with your command, to San Francisco.

You will advise the Department by telegraph of the date of leaving San Francisco, and of your return to that port.

Respectfully yours,

(Signed) CHARLES FOSTER, *Secretary.*

Captain W. C. COULSON,
Commanding Revenue-steamer "Rush," San Francisco, California.

Telegram.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 27, 1891.

You are directed to sail at once, under Department orders of the 9th instant. "Corwin" will follow in a few days, and will bring additional instructions. You will consider the final orders given you when you sailed last year regarding your duty in protecting seal life as being in force until you receive further instructions.

(Signed) CHARLES FOSTER, *Secretary.*

Captain W. C. COULSON,
Commanding Revenue-steamer "Rush," San Francisco, California.

No. 3.

Notice by the British Agent, September 30, 1892.

The Undersigned, Agent of Her Britannic Majesty appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, 1892, between Her Britannic Majesty and the United States, has the honour, by direction of Her Majesty's Government, to give notice that he calls for the production by the United States Government of the originals of all the official records or archives alluded to in the foot-note to p. 41 of the United States Case, that is to say:

The documents cited in the Case of the United States relating to the affairs of the Russian-American Company which belong to the official records or archives of the territory which was ceded to the United States by Russia by the Treaty of 1867, as stated in the above-mentioned foot-note.

The Undersigned, &c.

(Signed) CHARLES H. TUPPER,
Agent of Her Britannic Majesty in this behalf.

No. 4.

Mr. Foster to Mr. Tupper.

WASHINGTON, *November 5, 1892.*

The Undersigned, Agent of the United States appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, 1892, between the United States and Her Britannic Majesty, begs to state, in reply to the Notice of the Agent of Her Britannic Majesty delivered to the Undersigned on the 30th December, 1892, which Notice calls for the production by the United States Government of the originals of certain documents therein designated, that such originals will be produced at the proper time in case the arbitrators so direct.

The Undereigned begs also to state that such originals may at any time be inspected at the Department of State, in Washington, by any Agent whom the British Government may appoint for such purpose.

The Undersigned, &c.

(Signed) JOHN W. FOSTER.

81

No. 5.

Notice by the British Agent.

OCTOBER 3, 1892.

The Undersigned, Agent of Her Britannic Majesty appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, between Her Britannic Majesty and the United States, has the honour, by direction of Her Majesty's Government, to give notice that he applies for the production by the Agent of the United States of copy of the decision of the Treasury Department, and of the letter of the 4th April, 1881, referred to at p. 81 of the Case of the United States, as follows:

"This decision was confirmed by the Treasury Department on the 4th April, 1881, and again on the 6th March, 1886. On this last occasion the Secretary of the Treasury wrote as follows: 'The attention of your predecessor in office was called to this subject on the 4th April, 1881. This communication is addressed to you, inasmuch as it is understood that certain parties at your port contemplate the fitting out of expeditions to kill fur-seals in these waters. You are requested to give due publicity to such letters, in order that such parties may be informed of the construction placed by this Department upon the provision of Law referred to.'"

The undersigned, &c.

(Signed) CHARLES H. TUPPER,
Agent of Her Britannic Majesty in this behalf.

To General the Hon. JOHN W. FOSTER,
Agent of the United States, &c.

No. 6.

Notice by the British Agent.

OCTOBER 3, 1892.

The Undersigned, Agent of Her Britannic Majesty, appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, between Her Britannic Majesty and the United States, has the honour, by direction of Her Majesty's Government, to give notice that he applies for the production by the Agent of the United States of copies of the following documents, that is to say:

1. The Report of Treasury Agent Goff for the year 1889, mentioned on p. 153 and p. 343 of the Case of the United States.

2. The letters and documents mentioned in the correspondence quoted at pp. 48 to 90 of the United States Case, Appendix, vol. i, and especially the following, namely:

(*a.*) Page 51. The Report of the Board of Administration of the Russian-American Company, dated the 14th November, 1819;

(*b.*) Page 55. The "communication from the Minister of Marine," referred to in the last paragraph of the letter from the Board of Administration of the Russian-American Company to Captain M. I. Muravief, of the Imperial Navy, Chief Manager of the Russian-American Colonies, written from St. Petersburgh, the 23rd April, 1820;

(*c.*) Page 55. The two letters of Captain M. I. Muravief, Chief Manager of the Russian-American Colonies, dated the 26th and 28th July, respectively, referred to in the letter from the Board of Administration of the Russian-American Company to the said Captain Muravief, dated the 31st March, 1831;

(*d.*) Page 58. The Report of Mr. Yanovsky, dated the 25th February, 1820, alluded to in the letter from the Board of Administration of the Russian-American Company to the Chief Manager of the Russian-American Colonies, dated St. Petersburgh, the 15th March, 1821;

(*e.*) Page 62. The transcript of views of the Russian-American Company, alluded to in paragraph 2 of the letter from the Minister of Finance to the Board of Administration of the Russian-American Company, dated St. Petersburgh, the 18th July, 1822, as follows:

In order that Baron Tuyll's negotiations may be facilitated and brought to a speedy conclusion, he has been furnished with a transcript of the Russian-American Company's views as to the Rules we could ask the Government of the American United States to observe, with a view to the maintenance of friendly intercourse without injury to the vast interests of our Company and those of the native inhabitants of that country.

(*f.*) Page 63. The representations of the Board of Administration of the Russian-American Company, under No. 73 of the 11th February, 1824, concerning the permission to foreign vessels of entering the Harbour of New Archangel for certain purposes, alluded to in the first paragraph of the letter from the Minister of Finance (Department of Manufactures and Internal Trade) to the Board of Administration of the Russian-American Company, dated St. Petersburgh, the 2nd April, 1824;

(*g.*) Page 67. The letter from the Directors of the Russian-American Company to the Minister of Finance, dated the 12th June, 1824, alluded to in the first paragragh of the letter from the Minister of Finance to the Board of Administration of the said Company, dated St. Petersburgh, 4th September, 1824;

(*h.*) Page 71. The despatch (No. 114) of the 20th April, 1840, from Captain Ivan Antonevitch Kupreianof to the Board of Administration of the Russian-American Company, alluded to in the first paragraph of the communication from the Board of Administration of the said Company to the said Captain Antonevitch Kupreianof, dated St. Petersburgh, 31st March, 1840.

82 (*i.*) Page 72. The despatches of the Board of Administration of the Russian-American Company, dated respectively the 12th April and 16th November, 1851, and the 2nd April, 13th May, and 23rd September, 1852, alluded to in a letter from the said Board of Administration to Captain Ilitch Rudakof, Acting Chief Manager, dated St. Petersburgh, 20th March, 1853;

(*j.*) Page 73. The special instructions furnished the local Commanders, alluded to in the letter from the Board of Administration of the Russian-American Company to Captain Alexander Ilitch Rudakof, Acting Chief Manager, dated St. Petersburgh, 20th March, 1853, as follows:

. . . . During the detention of this vessel in the port of Ayan, its Commander will place himself under the orders of the local colonial authorities in all cases of emergency, or of infringement of the Company's rights and privileges, for which purpose the local Commanders are furnished with special instructions.

(*k.*) Page 75. The proposal of the Minister of Finance referred to in the letter from the Department of Commerce and Manufactures to the

Board of Administration of the Russian-American Company, dated St. Petersburgh, 19th June, 1865, as follows:

The Council of State, after an examination of the proposal submitted by me concerning the revision of the Charter of the Russian-American Company and the organization of the Russian-American Colonies, directs . . . .

(*l.*) Page 78. The "project" invited to be submitted by the Board of Administration of the Russian-American Company, in the letter from the Department of Commerce and Manufactures to the said Board of Administration, dated St. Petersburgh, 19th June, 1865, as follows:

I . . . . hereby invite the Board to submit a project to be presented for the final consideration of the State Council . . . .

(*m.*) Page 78. No. 18 of "Correspondence relating to the Affairs of the Russian-American Company;"

(*n.*) Page 79. The "propositions submitted by the Company," alluded to in the Opinion of the Council of State, section 4, as follows:

4. (As to Articles VIII and IX.) The provisions to be included in the new Charter of the Company concerning the opening to free trade of the ports of New Archangel and Sitka, and of St. Paul on Kadiak Island, and the introduction into the Colonies generally of such trade and of industries, also the provisions concerning the importation and sale of spirituous liquors, and the supplying of arms and powder, shall be in accordance with the propositions now submitted by the Company . . . . .

(*o.*) Page 80. The order of the Board of Administration, dated the 14th December, 1816 (No. 715), referred to in the inclosure to the letter from the Board of Administration of the Russian-American Company to A. A. Baranof, Chief Manager of the Russian-American Colonies, dated St. Petersburgh, the 6th April, 1817;

(*p.*) Page 81. The Regulations of the fur-seal industry mentioned in the despatch of Captain Etholin, Chief Manager of the Russian-American Colonies, dated the 9th May, 1843 (No. 287), and again mentioned in the letter from the Board of Administration of the Russian-American Company to the said Captain Etholin, dated St. Petersburgh, the 8th March, 1843;

(*q.*) Page 82. The despatch of Captain Rudakof (No. 318), dated the 30th May, 1853, mentioned in the letter from the Board of Administration of the Russian-American Company to Captain Stepan Vassilievitch Voyevodsky, Chief Manager of the Russian-American Colonies, dated St. Petersburgh, the 24th April, 1854;

(*r.*) Page 84. The despatch of Captain S. V. Voyevodsky (No. 41), dated the 9th March, 1857, alluded to in the letter from the Board of Administration of the Russian-American Company to the said Captain S. V. Voyevodsky, dated St. Petersburgh, the 5th June, 1857;

(*s.*) Page 84. The despatch of the Board of Administration of the Russian-American Company of the 10th June, 1857 (No. 650), alluded to in the letter from the Chief Manager of the Russian-American Colonies to the said Board, dated the 7th October, 1857;

(*t.*) Page 86. The despatch of the Board of Administration of the Russian-American Company (No. 697), dated the 5th June, 1858, alluded to in the letter from the Chief Manager of the Russian-American Colonies to the said Board, dated the 13th January, 1859;

(*u.*) Page 88. The despatch of the Board of Administration of the Russian-American Company, dated the 31st January, 1863, alluded to in the letter from Captain I. V. Furuhelm, Chief Manager of the Russian-American Colonies, to the said Board, dated the 16th July, 1863;

(*v.*) Page 89. The instructions of Mollison, inclosed in a despatch of the Board of Administration (No. 81) of the 25th January, 1860, alluded to in the letter from the Chief Manager of the Russian-American Colonies to the said Board, dated the 16th July, 1863; and

(*w.*) Page 89. The despatch of the Board of Administration of the Russian-American Company (No. 81) of the 25th January, 1860, alluded to (as above) in the said letter of the Chief Manager of the Russian-American Colonies to the said Board, dated the 16th July, 1863.

The Undersigned, &c.

(Signed) CHARLES H. TUPPER,
Agent of Her Britannic Majesty in this behalf.

To General the Hon. JOHN W. FOSTER,
Agent of the United States, &c.

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83 No. 7.

Mr. Foster to Mr. Tupper.

The Undersigned, Agent of the United States appointed to attend the Tribunal of Arbitration convened under the provisions of the Treaty concluded at Washington on the 29th February, 1892, between the United States and Her Britannic Majesty, herewith furnishes to the Agent of Her Britannic Majesty copies of the following documents, pursuant to two certain Notices delivered to the Undersigned on the 3rd day of October, 1892:

1. A copy of the letter of the 4th April, 1881, referred to at p. 81 of the Case of the United States.

2. The Report of Treasury Agent Goff for the year 1889, mentioned on p. 153 and p. 343 of the Case of the United States.

With regard to the letters and documents referred to in section No. 2 of one of said Notices (in which section said letters and documents are designated as those mentioned in the correspondence quoted at pp. 48 to 90 of the United States Case, Appendix, vol. i), the Undersigned begs to make the following statement:

They do not, in his opinion, come within the class of documents of which copies may be applied for under said Treaty, for the reason that they are contained, not in the Case of the United States, but in a volume of the Appendices to said Case. Article IV limits the documents copies of which may be applied for to such as are specified or alluded to in the Case of either party; and the preceding Article clearly distinguishes between the Cases of the two parties and "the documents, official correspondence, and other evidence on which each (party) relies," or, in other words, the Appendices to said Cases.

Apart from this, an interpretation of Article IV which would concede to one party the right to call for documents referred to in the Appendices of the Case of the other party might result in imposing upon the latter the burden of a long and difficult search, such as the Undersigned believes it cannot have been the intention of the parties to place upon one another. An instance of how great this burden might be is afforded by the request of the Agent of Her Britannic Majesty herein referred to.

The Undersigned, however, regardless of the question of strict right, is desirous to furnish to the Agent of Her Britannic Majesty copies of all documents which he has signified his wish to examine, and which it is within the reasonable ability of the Undersigned to furnish. He therefore presents herewith copies of such of those documents specifically referred to in said section No. 2 as are in the possession of the United States Government, to wit, those designated as follows: (*d*), (*g*), (*h*), (*i*), (*p*), (*s*), (*t*), (*u*), (*v*), and (*w*).

It is apparent from the reference thereto by the Agent of Her Britannic Majesty that a number of the documents called for by him, and not included in this response, could hardly be found elsewhere than in the archives of the Russian-American Company at St. Petersburgh.

To facilitate the identification of the copies of the documents here with presented, they have been marked respectively with the same letters with which they are designated in said section No. 2.

The Undersigned begs to state that he waives the fact that neither of the said Notices was delivered to him within the period provided in Article IV of the said Treaty.

The Undersigned, &c.

(Signed) JOHN W. FOSTER,
Agent of the United States.

WASHINGTON, *November 12, 1892.*

[Inclosure 1 in No. 7.]

Mr. French to Collector of Customs, San Francisco, California.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 4, 1881.

SIR: I transmit herewith, for your information, copy of a letter addressed to Mr. D. A. d'Ancona, of your city, under date of the 12th ultimo, in regard to the extent of the jurisdiction of the United States within the waters of the Territory of Alaska, with reference to the killing of fur-seals and other fur-bearing animals, under Chapter 3, Title 23, of the Revised Statutes.

You are requested to give due publicity to such letter, in order that parties who may contemplate fitting out expeditions to kill fur-bearing animals within the waters of Alaska Territory may be informed of the construction placed by this Department upon the Law referred to.

Very respectfully,

(Signed) H. F. FRENCH, *Acting Secretary.*

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84 [Inclosure 2 in No. 7.]

Mr. Goff to Mr. Windom.

ST. PAUL ISLAND, ALASKA, *July 31, 1889.*

SIR: I have the honour to transmit a Report of the operations and the condition of the Seal Islands of Alaska for the year ending the 31st July, 1889. I also accept and inclose the Reports of Mr. J. P. Manchester and Captain A. P. Loud, Assistant Treasury Agents of St. Paul and St. George Islands respectively, they having been personally in charge of these islands for the past two years.

The inclosed tabulated Mortality Tables were made by Dr. C. A. Lutz, the resident physician of this island, are correct and worthy of consideration. I shall confine my remarks to the Island of St. Paul, as I have no opportunity to visit St. George Island since my arrival here on the 1st June. I am satisfied, however, from the information I have received from Colonel Joseph Murray, Treasury Agent now in charge of St. George Island, that the same condition of affairs exists there as on this (St. Paul) island.

By referring to the itemized statement of skins taken, you will observe the number of pups killed for food during the fall of 1888 was 2,178. This was an unusually small number, excepting the year previous, but it was adjudged the proper per cent. to kill under the existing circumstances, and respecting the future of the rookeries. The killing of a large number of merchantable seals for food followed during the winter; their skins were salted and accepted by the Alaska Company as part of their quota of skins for this year. The first appearance of the bulls to their usual haunts was on the 5th May, but the coming of these animals to the rookeries was unusually late, followed by a late appearance of the cows. At first it is supposed that the severe winter had prevented the seals from returning as in the past, but close observation on the part of Mr. J. P. Manchester revealed the fact that it was owing to the scarcity of the seals, which was to him very perceptible as the

season advanced, and as the killing by the Alaska Commercial Company proceeded, the daily, weekly, and monthly receipts were much smaller than ever before. The small number of pups killed in the fall for food, the late appearance of the bulls and cows the following spring in large schools as in the past, and the alarming decrease in the daily, weekly, and monthly receipts of the Alaska Commercial Company, and as a *dernier ressort* by said Company to secure their 100,000 skins, the killing of smaller seals than was customary, attest conclusively that Mr. J. P. Manchester's observations were undoubtedly correct, that there is scarcity of seals, and that within the last year or so they are, from some cause, decreasing far beyond the increase.

As this is the last year of the present lessees, and there is a new lease to be made, I would respectfully suggest that it is of vital importance to the existence of seal life that the annual quota in the future be limited to the taking of 60,000 skins as the maximum from the Pribyloff Islands—52,500 from St. Paul, Otter, and Walrus Islands, and 7,500 from St. George Island—for the first five years of the lease. At the expiration of said time the number to be increased or decreased as the Secretary of the Treasury may deem advisable. The work of killing seals and salting skins has been accomplished only through the assistance rendered by labour imported from Ounalaska, as the number of labourers on the island was too small to complete the task within the limited time allotted by the Government. By reference to the Census you will see that the inhabitants are annually decreasing, and that the females are largely in excess of the males. And here I will say I heartily concur with Mr. T. F. Ryan, formerly Treasury Agent to these islands, whose letter to the Department, bearing date the 8th April, 1889, upon the subject, was referred to me, and in reply to Department letter to me bearing date the 6th May, 1889, will say that some way to infuse new life into these few remaining people should be devised by the Department at once and speedily executed before it is too late. It is impossible for the Treasury Agent in charge to receive reliable information concerning the wishes and conditions of the natives elsewhere on the Aleutian chain, whether they are willing or ever would come to these islands to live. He has no facility for travelling to either Otter or Walrus Islands, both within a range of 10 miles to this island. And it is his duty to visit them occasionally, without it is through the courtesy extended by the Alaska Commercial Company, and at no little expense to the Company. If it is deemed advisable to send a vessel along the Aleutian chain to secure strong, healthy male labourers, who are willing to come to these islands and make them their future homes, it should be done at once, under the supervision of a Treasury Agent familiar with the conditions of St. Paul and St. George Islands, accompanied by a resident physician from one of the islands.

On the 27th June the Alaska Commercial Company, through Dr. H. H. McIntyre, their General Manager, furnished me a boat manned and rigged, and I visited Otter Island and found 2,000 killable seals, and many were in the water near by. Under the present lease the lessees are not allowed to kill seals on this island. Consequently, they are not molested, without taken by pirates, which has been the result once or twice in the past. This island and Walrus should be included in the next lease. The number of resident labourers on this island at present is 52, aged from 63 to 13 years, classified as follows: clubbers, 6; stickers, 6; flippers, 8; skinners, 32. The number of labourers from Ounalaska is 23; these men did general work, such as salting skins, booking, bundling, and delivering them to the warehouse ready for shipment. This entire work was formerly done by the natives, but of late years the native force became too small, compelling the Alaska Commercial Company to introduce labour from abroad. These men, however, are paid by the Alaska Commercial Company, and the natives receive the entire proceeds of the catch. The number of seals killed upon this island this season was 85,000, and sea-lions 25. The killing commenced on the 5th June, and ended on the 31st July. The natives realized 33,759 dol. 80 c. for the season's catch, which was distributed as per inclosed statement. On the 26th June the United States man-of-war the "Thetis," Lieutenant-Commander Stockton, arrived from Sitka; also the United States cutter the "Rush," Captain Shepard.

The "Thetis" left the following day at noon for St. Michael's *en route* for Point
85 Barrow, and the "Rush" on the 28th June for a cruize through Behring Sea.

On the 18th July, Mr. Webster, the Alaska Commercial Company's agent at North-east Point, this island, sighted a schooner about 5 miles off the island. On the 25th July the United States cutter the "Rush," Captain Shepard, again anchored at the East Landing, and informed me that he had seized the British schooners "Minnie" and "Black Diamond." The "Minnie" was seized on the 17th July, and had on board 418 seal-skins. The "Black Diamond" was seized on the 11th July, with 76 seal-skins aboard. He also informed me that there were no less than thirty schooners in Behring Sea with predatory intentions. If these piratical vessels are allowed to butcher the seals regardless of age and sex, the seals of Alaska will soon be exterminated. The prosperity of these world-renowned rookeries is fast fading away under the present annual catch allowed by law, and this indiscreet slaughter

now being waged in these waters will only hasten the end of the fur-seals of the Pribyloff Islands. Captain Shepard is a faithful, conscientious, and energetic officer, and is deserving the loudest encomium from the Department; but without assistance it is impossible for him to police these waters effectually. In the retirement of Mr. J. P. Manchester the Department loses a fearless, faithful, and honourable officer; one who has, in the performance of his duties, reflected credit upon himself and honour to his Government. Captain A. P. Loud has also discharged his duties in a creditable manner, and retires from office leaving a record to be envied by his successor.

In conclusion, I desire to say that the Alaska Commercial Company have not only strictly conformed to the requirements of the lease during the present season, but have manifested a generous protectorate towards the natives.

Respectfully submitted.

(Signed) CHARLES J. GOFF, *Treasury Agent.*

86 GEOGRAPHICAL NOTES RELATING TO THE NAMES "PACIFIC OCEAN," "BEHRING SEA," "NORTH-EASTERN OCEAN," "EASTERN OCEAN," TO THE MEANING OF THE EXPRESSION "NORTH-WEST COAST," AND TO THE DEPTH OF BEHRING SEA AND ITS CONNECTION WITH THE BASIN OF THE PACIFIC.

1.—On the Use of the Names "Pacific Ocean" and "Behring Sea."

United States Case, pp. 52, 53.

In support of the special assertion that the Pacific Ocean did not include Behring Sea as shown by "a study of the Maps, Charts, and writings of navigators at the time of and prior to the celebration of these Treaties," it is stated in the United States Case that "a list of these Maps and Charts is appended," from which it will be seen that geographers conferred upon Behring Sea "some separate name *in most cases*, either that of Sea of Kamtchatka, Behring Sea, North-Eastern Sea, or Eastern Ocean."

Ibid., Appendix I, p. 287.

It is submitted, however, that the list cannot properly be regarded as representing the usage of geographers, even on the narrow ground of the nomenclature of oceans, seas, &c., as printed on the Maps in question; for this list is, in reality, merely a selected series of such Maps as in respect to their marking correspond, in a negative sense (or in other words do not disagree), with the contention which it is wished by the United States to uphold.

Note on the circumstances under which Behring Sea has come to be so named.

Without entering into any great detail respecting the numerous voyages of discovery in this region, which, in the first instance, were principally due to Russian efforts from the Asiatic coast, it is comparatively easy to place on record the salient features of this branch of the subject; and to trace its progress, more particularly by means of the Maps published from time to time in illustration of the results of the various explorers.

The first published Map in which that part of the Asiatic coast, including Kamtchatka, and extending to and beyond Behring Straits, was represented, was that in illustration of Behring's first voyage, in 1737, in D'Anville's "Atlas." It is reproduced by Mr. W. H. Dall, in the "National Geographical Magazine," Washington, 1890. At this time neither the Commander Islands nor the Aleutian Islands were known, but the ocean to the east of the Asiatic coast is named *Partie de la Mer Dormante*, the name, as engraved

on the Map, extending from a point to the west of the extremity of the Peninsula of Kamtchatka, in a north-easterly direction, to about the position which St. Matthew Island is now known to occupy, or to the centre of Behring Sea.

After Behring's second expedition, in which the Commander himself miserably perished, but in the course of which the American coast was reached, and the Commander and Aleutian Islands in part discovered, we find a Map published by Müller, the historian and geographer of the expedition. This is entitled, in the English translation of Müller's work, published in London in 1761, "A Map of of the Discoveries made by the Russians on the North-west Coast of America," published by the Royal Academy of Sciences at St. Petersburgh, and republished in London by Thomas Jeffreys.

In this Map the islands now known as the Aleutian Islands and the Commander Islands are indicated very inaccurately, and the greater part of what is now known as Behring Sea is occupied by a great conjectural promontory of the American Continent, leaving a comparatively narrow and sinuous body of water or strait running in a direction proximately parallel to the Asiatic coast, and separating the two continents. The southern portion of this is named on the Map *Sea of Kamtchatka*, the northern *Sea of Anadir*, in equivalent characters. Behring Strait, as now known, appears without name, while the wider ocean to the south is named *Great South Sea or Pacific Ocean*.

A reproduction on a smaller scale of the same Map appears in the "London Magazine" for 1764. This is entitled, "A new Map of the North-east Coast of Asia and North-west Coast of America, with the late Russian Discoveries." It repeats the nomenclature and all the errors of the original Map, but employs the term *Great South Sea* only, the addition "or Pacific Ocean" being omitted.

After the date of the publication of Cook's third voyage in 1784, what is now known as Behring Sea began to appear on Maps in something like its true form and proportions, and in the Map accompanying the official record of his voyages, of the date mentioned, we find that sea without special distinctive name, and simply regarded as a part of the Pacific Ocean, though the names *Olutorski Sea*, *Beaver Sea*, and *Gulf of Anadir* are engraved in parts of it close to the Siberian shores, and *Shoal Water* and *Bristol Bay* appear as local names of equivalent rank on the opposite American coast.

From this date onward the usage became very varied. Many Maps continued to appear till 1840 or later, upon which no name of a distinctive kind was given to
87 Behring Sea, while upon others it became customary to extend the originally local name *Sea of Kamtchatka* to the whole of this body of water. Doubtless because of the ambiguity attaching to this particular name, from its originally strictly local use, at later dates it began to be customary to employ Behring's name for the sea now so called, till at the present time that name may be said to have entirely superseded the older one, and to have passed into common use.

Following on this change, the name *Sea of Kamtchatka* was changed to *Gulf of Kamtchatka*, and relegated to its original place on the shore of the peninsula of the same name, while the names *Olutorski* and *Anadir* likewise became confined to the respective gulfs on the Siberian coast. For the most modern usage in this respect, see United States Hydrographic Office Chart No. 68, 1890, and British Admiralty Chart No. 2460, 1889.

It is very noteworthy, however, in studying any series of Maps chronologically arranged, that up to the middle of the present century Behring Sea is frequently without any general name, while the adjoining Sea of Okhotsk is in almost every instance clearly designated.

Had the circumstances with respect to the nomenclature of Behring Sea been different, and had that body of water been consistently supplied with a distinctive name on all Maps, it would, however, by no means necessarily follow that this was intended to show that it was not a part of the Pacific Ocean. An ocean may, and in all cases actually does, include numerous seas and gulfs as subordinate divisions. The mere fact that the name of the North Pacific Ocean, or equivalent name in use at different periods, is not usually engraved partly upon the area of Behring Sea in the Maps, affords no valid argument for such separation. The name of this ocean is generally found to be engraved, in large characters, upon its widest and most open part, somewhere to the south of the 50th parallel, and between that parallel and the Equator. This usage follows as a result of the actual form of the ocean, and the necessity of giving due prominence to its name.

The United States Government has, in this controversy, attached importance to the very early employment of some distinctive name for Behring Sea, and reference has been made to several of the older Maps.

Maps specially referred to by Mr. Blaine in his note of December 17, 1890.

It is, however, submitted that even in restricting the argument to Maps, the important question is that relating to the Maps and Charts of the years immediately antecedent to 1824 and 1825, in which years the Conventions dealing with the Ukase of 1821 were concluded.

United States Case, Appendix, vol. i, p. 287.

To such Maps the negotiators doubtless referred

Reverting, however, to the earlier Maps specially instanced by the United States Government, it will be found that even these do not bear out the assertions based by Mr. Blaine upon them.

A Map illustrating Cook's voyages, and published in 1784, is first referred to as showing the "*Sea of Kamtchatka*" in "absolute contradistinction to the *Great South Sea* or Pacific Ocean."

This is doubtless the Map published by William Faden in 1784, and included in the list attached to Mr. Blaine's note.

In this Map the name *Sea of Kamtchatka* is written across Behring Sea, and *Gulf of Anadyr* is the term applied to the indentation of the coast into which the river of the same name flows.

The special value attached to this Map by Mr. Blaine, in support of his contention, entirely disappears when the

No. 15 in List, p. 94.

second edition issued ten years later is inspected, and special attention is directed to the detailed description of this latter Map at p. 94 of this Appendix.

It will be seen that the second edition bears the same title as the first, with the addition of a face-note indicating that numerous improvements have been inserted. One of these improvements is the transfer of the name *Sea of Kamtchatka* to the waters immediately adjacent to the coast of that peninsula, leaving the main body of Behring Sea *without any distinctive name.* As the natural consequence of this change, *Sea of Anadyr* appears instead of *Gulf of Anadyr.*

Turning to the Maps in the officially published account of Cook's third voyage, likewise dated in 1784, both those in the quarto and octavo editions, and those also in French and German translations of somewhat later date, it is found that Behring Sea appears absolutely and markedly *without any distinctive name.*

The Map published in the "London Magazine" in 1764, which is next cited, is a reduction of Müller's Map, which has already been referred to.

The circumstances under which the names *Sea of Kamtchatka* and *Sea of Anadir* appear on these Maps have been noted on a previous page, and are such as to show that neither of them can be justly referred to as applying to the area of Behring Sea as now known.

In further endeavouring to maintain his position as to the essential separateness of Behring Sea from the Pacific Ocean, as understood by geographers of the time, Mr. Blaine adds an enumeration of a number of Maps as "Inclosure B" to his letter above referred to.

United States Case, No. 1 (1891), p. 39.

He refers to these Maps in the following terms:

"I inclose a list of a large proportion of the most authentic Maps published during the ninety years prior to 1825 in Great Britain, in the United States, the Netherlands, France, Spain, Germany, Russia—in all 105 Maps—*on every one of which* the body of water now known as Behring's Sea was plainly distinguished by a name separate from the Pacific Ocean. On the great majority it is named the Sea of Kamschatka, a few use the name of Behring, while several other designations are used. The whole number, aggregating, as they did, the opinion of a large part of the civilized world, distinguished the sea, no matter under what name, as altogether separate from the Pacific Ocean."

It has so far only been found possible to identify a small number of these Maps, but on about half of these the distinguishing names "Sea of Kamtchatka" and "Sea of Anadyr" are placed either on the coast of Kamtchatka" or in the Gulf of Anadyr respectively, and no name whatever appears as a general name for "the body of water now known as Behring Sea."

On the other Maps examined, when the name Sea of Kamtchatka is placed so as to include the whole of Behring Sea, it is in every case printed in the same characters of equivalent importance to those employed for the name of the Sea of Okotsk.

88 This list of 105 Maps, though apparently formidable from its very length, is found to extend from the year 1743 to the year 1829, both inclusive, and consists solely of Maps upon which a special designation of some kind is supposed to be found for Behring Sea.

Maps catalogued in "Inclosure (B)," Mr. Blaine to Sir J. Pauncefote, December 17, 1890.

As already stated, this proves nothing with regard to the relation of Behring Sea to the Pacific as a whole; while it is further observable that, in compiling the list, many Maps of very doubtful or imperfect character have been included with others of undoubted authenticity and value.

Thus, in respect to Cook's explorations, but a single Map is cited, while the official and original Maps are ignored, as has already been explained.

Again, from Thompson's large atlas, of date 1817, but a single Map is cited, and this without such reference as to enable it to be identified; while, as a matter of fact, in this Atlas, Behring Sea appears upon three Maps as the *Sea of Kamtchatka*. On three other Maps this name is evidently confined to the waters immediately adjacent to the peninsula of the same name, and on two, the greater part of Behring Sea is included without any name.

Under date 1819, a Map by Burney is quoted as showing the name *Sea of Kamtchatka* applied to Behring Sea, but the only Map by that author and of that date which it has been possible to find is a "Chart of the north coast of Asia, and of the sea to the north of Behring Strait," in which the greater part of Behring Sea is included, but without name, though the northern portion of the Sea of Okhotsk, also included, is prominently named.

Still, again, under 1825, a Map in Butler's Atlas (doubtless No. 16) is quoted as showing the name *Sea of Kamtchatka*, while the first Map in that Atlas upon which Behring Sea appears without name (though the *Sea of Okhotsk* and other similar seas are named) is ignored.

The following are definitions found in the gazetteers, dictionaries, and geographies of the world, both of the present and old dates, touching the Pacific Ocean, Behring Sea, Kamtchatka, &c., which show that Behring Sea has been from the year 1795 down to the present regarded as part of the Pacific Ocean.

"Kamschatka Sea is a large branch of the Oriental or North Pacific Ocean."

Malham's "Naval Gazetteer," London, 1795, vol. ii, p. 4.

"Beering's Straits, which is the passage from the North Pacific Ocean to the Arctic Sea."

Ibid., vol. i, p. 42.

"Beering's Island. An island in the Pacific Ocean. [Behring's Island is in Behring's Sea.]

Brookes, R., "General Gazetteer, 1802.

"Kamschatka. Bounded east and south by Pacific."

"Kamtschatka. Bounded on the north by the country of the Koriacs, on the east and south by the North Pacific Ocean, and on the west by the Sea of Okotsk."

Montefiore, "Commercial Dictionary," 1803.

"Beering's Island. In the North Pacific Ocean."

"Geographical Dictionary," London, 1804.

Cruttwell, C., "New Universal Gazetteer," 1808.

"Beering's Island. An island in the North Pacific Ocean.

"Kamtchatka. River, which runs into the North Pacific Ocean.

"Kamtchatka. Peninsula, bounded on the east and south by the North Pacific Ocean."

Mangnall, R.' "Compendium of Geography,,' 1815.

"Islands in the Eastern or Great Pacific Ocean; Bhering's Isle."

Rees' "Cyclopædia," London, 1819.

Behring Sea not mentioned.

"'Pacific Ocean' considered as the boundary of the Russian Empire, washes the shores of the Government of Irkutsk, from Tschukotskoy Noss, or Cook's Straits, to the frontiers of China; or, in other words, from the mouth of the River Aimakan, that is, from 65° to 45° north latitude. It is divided into two great parts. That lying eastwards from Kamtshatka, between Siberia and America, is eminently styled the Eastern, or Pacific, Ocean; that on the west side, from Kamtshatka, between Siberia, the Chinese, Mongolia, and the Kurile Islands, is called the Sea of Okhotsk. From the different places it touches it assumes different names, *e. g.*, from the place where the River Anadyr falls into it, it is called the Sea of Anadyr, and above Kamtshatka the Sea of Kamtshatka; and the bay between the districts of Okhotsk and Kamtshatka, is called the Sea of Okhotsk, the upper part of which is termed Penjinskoye More, that is, the Penjinskian Sea, as it approaches the mouth of the River Penjine."

Galletti, J. G. A., "Geographisches Wörterbuch," Pesth, 1822.

"Stilles Meer. Vom 5 nordl. Br. an bis zur Beringsstrasse aufwarts stets heftige Sturme." [Behring's Strait is at the northern extremity of Behring's Sea.]

"Edinburgh Gazetteer," edition 1822, vol. i, p. 432.

"Behring's Island. An island in the North Pacific Ocean."

"General Gazetteer," London, 1823.

"Beering's Island. In the North Pacific Ocean."

"New London Universal Gazetteer, 1826.

"Beering's Island. In the Pacific."

"Edinburgh Gazetteer," London, 1827, vol. i, p. 432.

"Kamtschatka (Peninsula). On the east it has the North Pacific Ocean, and on the west that large gulf of it called the Sea of Okhotsk."

"Dictionnaire Géographique Universel," 1828.

89 "Mer Pacifique. Il s'étend du nord au sud depuis le Cercle Polaire Arctique, c'est-à-dire, depuis le Détroit de Behring, qui le fait communiquer à l'Océan Glacial Austral."

Seitz, Dr. J. C., "Geographisches Statistisches Handwörterbuch," Pesth, 1822, Halberstadt, 1829.

"Stilles Meer. Vom 30 südlicher Breite bis zum 5 nördlicher Breite verdient es durch seine Heiterkeit und Stille den namen des Stillen Meers; von da an bis zur Beringsstrasse ist es heftigen Stürmen unterwofen."

"Penny National Library Geography and Gazetteer," 1830.

"Beering's Island. In the North Pacific Ocean."

Arrowsmith, "Grammar of Modern Geography," 1832.

"Bhering Strait connects the Frozen Ocean with the Pacific.

"The Anadir flows into the Pacific Ocean.

"The principal gulfs of Asiatic Russia are: the Gulf of Anadir, near Bhering's Strait; the Sea of Penjina, and the

Gulf of Okhotsk, between Kamtchatka and the mainland of Russia—all three in the Pacific Ocean."

"L'Océan Pacifique Boréal s'étend depuis le Détroit de Behring jusqu'au tropique de Cancer." "Précis de la Géographie Universelle, par Malte-Brun, vol. ii, p. 181, édition 1835.

"Le Détroit de Behring. A commencer par ce détroit, le Grand Océan (ou Océan Pacifique) forme la limite orientale de l'Asie." Ditto, vol. viii, p. 4.

"Behring (détroit célèbre). Il joint l'Océan Glacial Arctique au Grand Océan." Langlois, "Dictionnaire de Géographie," 1838.

"The Pacific Ocean. Its boundary-line is pretty well determined by the adjacent continents, which approach one another towards the north, and at Behring's Strait, which separates them, are only about 36 miles apart. This strait may be considered as closing the Pacific on the north." "Penny Cyclopædia," 1840.

"Behring (Détroit de) à l'extrémité nord-est de l'Asie, sépare Continent de l'Amérique et l'Océan Glacial Arctique de l'Océan Pacifique. "Dictionnaire Universel d'Histoire et de Géographie," par M. N. Bouillet, Paris, 1842.

"Behring (Mer de). Partie de l'Océan Pacifique."

"Behring Strait. The channel which connects the North Pacific with the Arctic Oceans." McCullogh, J. R., "Geographical Dictionary," London, 1849.

"Behring (Détroit de). Canal de l'océan . . . . unissant les eaux de l'Océan Pacifique à celles de l'Océan Arctique." "Dictionnaire, Géographique et Statistique," par Adrien Guibert, Paris, 1850.

"Pacific Ocean. Between longitude 70° west and 110° east, that is, for a space of over 180°, it covers the greater part of the earth's surface, from Behring Straits to the Polar Circle, that separates it from the Antarctic Ocean." "The New American Cyclopædia," edited by George Ripley and Charles A. Dana, New York, 1851.

"Behring Island is situated in the North Pacific." "English Cyclopædia," London, 1854-62. Geography, vol. i, p. 967.

"Kamtchatka, a peninsula projecting from the north-eastern part of Asia into the Pacific Ocean." Ibid., vol. ii, p. 354.

"Behring (Détroit de). Canal du Grand Océan unissant les eaux de l'Océan Pacifique à celles de l'Océan Glacial Arctique. "Grand Dictionnaire de Géographie Universelle," par M. Bescherelle, Aîné, 4 vols., 1855.

"Behring Sea, sometimes called the Sea of Kamtchatka, is that portion of the North Pacific Ocean lying between the Aleutian Islands and Behring's Strait." "Imperial Gazetteer," 1855.

"Behring Strait, the channel which separates Asia and America at their nearest approach to each other, and connects the Arctic with the Pacific Ocean. Harper's "Statistical Gazetteer of the World," by J. Colvin Smith, New York, 1855.

"Russian America comprises the whole of the continent of North-west America west of longitude 141° west and a strip on the coast extending south to latitude 55° north, bounded on the east by British America, south and west by the Pacific Ocean, and north by the Arctic Ocean and the following island groups," &c.

"Behring's Island. An island in the North Pacific Ocean." Fullarton's "Gazetteer of the World," 1856.

"Behring's Strait, which connects the Pacific with the Arctic Ocean, is formed by the approach of the continents of America and Asia." "Cyclopædia of Geography," by Chas. Knight, 1856.

"McCulloch's Geographical Dictionary," edited by F. Martin, 1866.

"Pacific Ocean. Its extreme southern limit is the Antarctic Circle, from which it stretches northward through 132° degrees of latitude to Behring's Strait, which separate [*sic*] it from the Arctic Ocean."

"Grand Dictionnaire Universel," par M. Pierre Larousse, Paris, 1867.

"Behring (Détroit de). Canal ou bras de mer unissant les eaux de l'Océan Glacial Arctique à celles de l'Océan Pacifique."

Bouillet "Dictionnaire Universel d'Histoire et de Géographie," Paris, 1871.

90 "Pacifique (l'Océan) dit aussi le Grand Océan . . . . communique au nord par le Détroit de Behring avec l'Océan Glacial Arctique."

Blackie's "Imperial Gazetteer," London, 1874, vol. i, p. 358.

"Behring Strait . . . . which connects the N. Pacific with the Arctic Ocean. . . ."

Ibid.

"Kamtchatka, ou de Behring (Mer de). Partie de l'Océan Pacifique."

Ibid., vol. ii, p. 558.

"Boreal or N., extending from Behring's Strait or the Arctic Circle to the Tropic of Cancer. . . . In the N. the Pacific gradually contracts in width; the continents of America and Asia stretching out and approximating, so as to leave the comparatively narrow channel of Behring's Strait as the only communication between the Pacific and the Arctic Oceans. Between the strait on the N., the Aleutian Islands on the S., and the remarkable peninsulas of Aliaska on the E. and Kamtschatka on the W., one of the largest and best defined branches of the Pacific is the Sea of Behring."

"American Cyclopedia," New York, 1875, vol. i, p. 480.

"Behring Sea. That part of the Pacific Ocean which lies immediately south of Behring Strait."

Ibid., p. 481.

"Behring Strait. A channel connecting the North Pacific and Arctic Oceans."

"Encyclopædia Britannica," ninth edition, Edinburgh, 1875-90, vol. iii, p. 509.

"Behring's Island, the most westerly of the Aleutian group in the North Pacific, in 55° 22′ N. latitude, 166° E. longitude. It is rocky and desolate, and is only remarkable as being the place where the navigator Behring was wrecked and died in 1741. Population 2,500."

Ibid.

"Behring Strait, the narrow sea between the north-east part of Asia and the north-west part of North America, connecting the North Pacific with the Arctic Ocean."

Ibid., vol. xviii, p. 115.

"*Extent.*—The Pacific Ocean (*formerly called the South Sea, and sometimes still so named by the French and Germans (la Mer Sud; Sudsee, Australocean), with whom, however, la Mer (l'Océan) Pacifique, and Grosser Ocean, or Stilles Meer, are the more usual designations) is bounded on the North by Behring Strait and the coasts of Russia and Alaska; on the east by the west coasts of North and South America; on the south the imaginary line of the Antarctic Circle divides it from the Antarctic Ocean, while its westerly boundary is the east coast of Australia, the Malay Archipelago separating it from the Indian Ocean, and the eastern coasts of the Chinese Empire. Some modern geographers place the southern limit of the Atlantic, Pacific, and Indian Oceans at the 40th parallel, and name the body of water which surrounds the earth between that latitude and the Antarctic Circle the Southern Ocean.

*In the English edition this forms a foot-note.

"Although differing from the Atlantic in its general form, being more nearly land-locked to the north, the Pacific Ocean resembles it in being open to the south, forming, in fact, a great projection northwards of that vast Southern Ocean of which the Atlantic is another arm.

"The Pacific is the largest expanse of water in the world, covering more than a quarter of its superficies, and comprising fully one-half of its water surface.

"It extends through 132 degrees of latitude, in other words, it measures 9,000 miles from north to south. From east to west its breadth varies from about 40 miles at Behring Strait, where Asia and America come within sight of each other, to 8,500 miles from California and China on the Tropic of Cancer, and to more than 10,000 miles on the Equator, between Quito and the Moluccas, where the ocean is the widest. The area has been variously estimated at from 50,000,000 to 100,000,000 square miles; but, defining its boundaries as above, Keith Johnston, from careful measurements, estimated it, with probably a near approach to the truth, at 67,810,000 square miles."

"Behring Sea. That part of the North Pacific Ocean between the Aleutian Islands in 50° and Behring Strait in 66° N., by which latter it communicates with the Arctic Ocean (Behring Sea)." Johnston, H. K., "Gazetteer," London, 1877, p. 142.

"Anadyr River. Falls into an inlet of the Sea of Anadyr (North Pacific)." Ibid., p. 47.

"Extending from the Arctic to the Antarctic Circle, through 126° of latitude." Johnston's "Dictionary of Geography," London, 1877.

". . . . It narrows especially towards the north, where it communicates with the Arctic Ocean by Behring Strait." Ibid.

"Behring (Détroit de). Passage qui unit l'Océan Glacial Arctique au Grand Océan." St. Martin's "Nouveau Dictionnaire de Géographie Universelle," tome i, Paris, 1879.

"Behring Sea, or Sea of Kamchatka, is that part of the North Pacific Ocean between the Aleutian Islands in latitude 55° north and Behring Strait in latitude 66° north, by which latter it communicates with the Arctic Ocean." Lippincott's "Gazetteer of the World," Philadelphia, 1880.

"Behring Strait. The channel which separates Asia and America . . . . and connects the Arctic with the Pacific Ocean." Ibid.

"Pacific Ocean . . . . extends from the Arctic to the Antarctic Circle, over 133 degrees of latitude." Ibid.

91 "Behring, or Bhering. A strait, sea, island, and bay, North Pacific Ocean." Bryce and Johnston, "Cyclopædia of Geography," London and Glasgow, 1880.

"Bering's Meer. Der nordöstlichste Teil des Stillen Ocean's." Brockhaus' "Conversations Lexicon," Leipzig, 1882.

"Beringsstrasse. Meerenge das nordöstlichste Eismeer mit dem Stillen Ocean verbindend." Ritter's "Geographisch Statistisch Lexicon," Leipzig, 1883.

"Behring Sea is that part of the North Pacific Ocean between the Aleutian Islands . . . . and Behring Strait." "Gazetteer of the World," London, 1885, vol. i, p. 199.

"The Gazetteer of the World," Thomas Jock, London, 1885.

"Behring Sea, or Sea of Kamtchatka, is that part of the North Pacific Ocean between the Aleutian Islands, in latitude 55° north, and Behring Strait, in latitude 66° north, by which latter it communicates with the Arctic Ocean."

Worcester's "Dictionary of the English Language," Philadelphia, 1887.

"Behring Sea. A part of the Pacific Ocean N. of the Aleutian Islands."

"Pocket Encyclopædia." Sampson Low, 1888.

"Behring's Sea. North-east part of the Pacific between Asia and America."

Chambers' "Encyclopædia," 1888.

"Behring Strait connects the Pacific with the Arctic Ocean.

"Behring Sea. A part of the Pacific Ocean, commonly known as the Sea of Kamchatka."

Blackie's "Modern Cyclopædia," 1889 edition.

"Behring's Strait, connecting the North Pacific with the Arctic Ocean.

"Behring's Sea, sometimes called the Sea of Kamchatka, is that portion of the North Pacific Ocean lying between the Aleutian Islands and Behring's Strait."

The following letter, addressed to Mr. Robert Rayner by Professor Alexander Supan, and published by Mr. Rayner in an article by him on the Behring Sea question in the New York "Evening Post," of the 11th March, 1891, is of particular interest as embodying the opinion of one of the most eminent geographical authorities of the day on the subject of the relations of Behring Sea to the Pacific:

[Translation.]

JUSTUS PERTHES' GEOGRAPHICAL INSTITUTE,
EDITORIAL ROOMS, OFFICE OF
PETERMANN'S COMMUNICATIONS,
Gotha, November 10, 1887.

HONOURED SIR: In answer to your honoured letter of the 24th October, I beg to make the following remarks:

Behring's Sea is considered by *all* geographers as a part of the Pacific Ocean, and there cannot be [the] least doubt with regard to this, [from] however different principles of division one may start.

Behring's Strait is the natural topographical boundary of two great sea basins, the Pacific and the Arctic, and this all the more, as it nearly coincides with the northern Polar Circle. In addition, there is the consideration that sea arms shut off by chains of islands are just one of the characteristic marks of the western part of the Pacific Ocean. As little as one can detach the Sea of Okhotsk or the Sea of Japan from the Pacific Ocean, just so little can one consider Behring's Sea as independent. A comparison with such inland waters as Delaware Bay or the Sea of Azov appears entirely inadmissible.

It is, however, [certainly] a different question how [what] the Treaty Powers thought on this point in 1824. Up to the year 1845 there was great [much] caprice and divergence in the division and appellation of the great seas. However, the wording of the Treaty of 1824 shows that one was already acquainted with the division of Buache (1752), for he was the first one to introduce the name Great Ocean. In this division Behring Sea belonged to the "Mer Septentrionale du Grand Océan." Forster, the celebrated companion of Cook, also is beyond doubt in this regard (see [his] collected writings, vol. iv, p. 9, *ff*).

It must be noted that in Fleurien's time (year eight of the first French Republic) the two ice seas (Arctic and Antarctic) were not yet separated [were not yet looked upon as separated] from the other three oceans. When Fleurien introduced this separation he took the Polar Circles as boundaries, and to this the British Commission of 1845

also acceded, as is well known. Consequently, here also Behring's Sea appears as part of the Pacific Ocean.

Hoping that these remarks will be sufficient for you, I remain, &c.,

(Signed) PROF. DR. ALEX. SUPAN,
Editor of Petermann's Communications.

Mr. ROBERT RAYNER,
Salem, Massachusetts.

92 In reply to a request sent by Dr. George M. Dawson to Professor Supan for a copy of the above letter, as originally written in German, that gentleman has been so kind as to write further, as follows:

[Translation.]

JUSTUS PERTHES' GEOGRAPHICAL INSTITUTE,
Gotha, July 15, 1892.

MOST HONOURED SIR: Unfortunately, I do not possess a copy of my letter to Mr. Rayner, but the translation appears to me to be, on the whole, correct. Rayner asked me what was my opinion on the question from a geographical point of view, and my reply falls under two heads:

1. The present geographers collectively, so far as I know, consider Behring Sea as part of the Pacific Ocean, and from whatever point of view the question is considered the conclusion always arrived at is that Behring Sea is an annex of the Pacific.

2. This view, moreover, also generally prevailed as early as 1824, as the two earliest attempts at classification agree in it. What view was held by the *Governments* of the day is, however, questionable, as there are enough instances to show that Governments trouble themselves but little with science.

With the highest consideration, I remain, &c.

(Signed) ALEX. SUPAN.

Notes on various Maps examined in connection with the question of usage of the names "Pacific Ocean," "Behring Sea," &c.

An examination of all the Maps upon which the sea now called Behring Sea appears prominently, between about 1815 and 1825 (both inclusive), which could be found in the Map Department of the British Museum Library, has been made; also of some which appear in books of travel, &c., in the Printed Book Department. A few Maps found elsewhere have also been included.

For dates previous to 1815, and subsequent to 1825, a selection only of the more important Maps has been consulted. Such selection was made by reference to the Catalogue titles of the Maps, and the results of the examination of each such Map are here noted, irrespective of the bearing which these may be supposed to have on the question at issue. The list as a whole therefore differs from that given as an Appendix to Mr. Blaine's despatch of the 17th December, 1890 (which was compiled for the purpose of making out a specified contention), and, so far as it goes, may be acceped as a general indication of the best usage in vogue at and about the time of the Convention of 1824 and 1825. The names printed in *italics* are in each case exact transcripts of those appearing on the Map.

No Maps of a date earlier than that of the publication of Cook's third voyage, in 1784, have been included in the list; but all Maps relating to Cook's voyage, and which include the area of Behring Sea, have been sought for, as Mr. Blaine, in his despatch above cited, appears to place special importance on one of them. This particular Map, pub-

lished by William Faden, has been dealt with above at p. 87 of this Appendix, and none of the other original or official Maps relating to Cook's expedition agree with it in naming Behring Sea (as Sea of Kamtchatka or otherwise) as separate from the North Pacific. On the contrary, none of these Maps, whether in the English editions or in the French or German editions of Cook's voyages, give any distinctive name to Behring Sea as a whole. The only other Map relating to Cook's expedition upon which such separate name has so far been found is one taken from "Guthrie's Atlas," in which Behring Sea is named *Sea of Kamtchatka*. This is without date, but the "assigned date" in the Catalogue of the British Museum Library is 1811.

No. 45 in List.

1784. 1. A GENERAL CHART, EXHIBITING THE DISCOVERIES MADE BY CAPTAIN JAMES COOK, &C. BY LIEUTENANT HENRY ROBERTS, OF HIS MAJESTY'S ROYAL NAVY. In Cook's "Third Voyage," 4to. edition. London, 1784. Folio volume of Maps and Plates accompanying text.

This is the original of the Chart in the 8vo. edition. Behring Sea appears without names, though *Olutarskoi Sea*, *Beaver Sea*, *Gulf of Anidir*, *Shoal Water*, *Bristol Bay*, appear as local names of equal rank. The three first close in to the Asiatic coast.

Behring's Strait. North Pacific Ocean.

1784. 2. CHART OF THE N. W. COAST OF AMERICA AND THE N. E. COAST OF ASIA. In same original 4to. edition.

Behring Sea without name, though occupying a central position, and shown in detail.

Bristol Bay is the most prominent name on the whole of this part of the Chart.

Anadirsk Guba appears in small letters in the gulf itself. Other names appearing in the General Map are here wanting.

Bherings Strait. No name on part of North Pacific included.

1784. 93 3. A GENERAL CHART, EXHIBITING DISCOVERIES MADE BY COOK, BY LIEUTENANT ROBERTS, 1784.

Behring Sea without general names. *Beaver Sea* and *Olutarskoi Sea*, engraved close in to shore of Kamtchatka, *Gulf of Anadir* and *Bristol Bay* prominently named.

Behring's Straits. North Pacific Ocean.

1784. 4. CHART OF THE N. W. COAST OF AMERICA AND THE N. E. COAST OF ASIA. EXPLORED IN THE YEARS 1778 AND 1779. PREPARED BY LIEUT. ROBERTS UNDER THE IMMEDIATE INPECTION OF CAPTAIN COOK. PUBLISHED BY W. FADEN, CHARING CROSS, JULY 24, 1784.

Behring Sea named *Sea of Kamchatka.*

Beaver Sea close in to shore of Kamchatka.

Sea of Okotsk equivalent in rank to *Sea of Kamtchatka.*

Gulf of Anadyr, *Bristol Bay.*

Northern Part of Pacific or Great South Sea.

The Aleutian Islands are very imperfectly shown.

1784. 5. A GENERAL CHART, EXHIBITING THE DISCOVERIES MADE BY CAPTAIN JAMES COOK, &c. In "A Voyage to the Pacific Ocean, &c.; Cook." 27 vols. 8vo. London, 1784.

The Chart included in the British Museum copy of this work appears to have been inserted, and bears date on margin as engraved for 8vo. edition in 1786. Roberts' name is not here given as authority.

Behring Sea without name.

Behring's Str. North Pacific Ocean.

On this edition of Map, *Olutarskoi Sea*, *Gulf of Anadir*, *Shoal Water*, *Bristol Bay*, appear as local names of equal rank, but "Beaver Sea," shown on some other Maps of Cook's Voyages, is omitted.

6. A GENERAL CHART, EXHIBITING THE DISCOVERIES MADE BY CAPTAIN JAMES COOK, &c. In Cook's "Third Voyage," 2nd edition. London, 1785. 4to. 1785.

This seems to be indentical with that in the 1st edition (No. 1). Behring Sea appears without name. Subsidiary names in Behring Sea, &c., same as in 1st edition.

7. CHART OF THE N. W. COAST OF AMERICA AND N. E. COAST OF ASIA. In "Cook's Voyage," 2nd edition. Identical with corresponding Map in 1st edition (No. 2).

8. CARTE GÉNÉRALE OFFRANT LES DÉCOUVERTES, &C., PAR A. ROBERTS, &c. In "Troisième Voyage de Cook." Paris, 1785. 4to. 1785.

Behring Sea appears, but without name, though various parts are named as follows: *M. Beaver*, *M. Olutarski*, *Golfe d'Anadir*, *Bas Fonds*, *Baye Bristol.* These are all engraved in characters of equivalent size and style.

Dét. de Behrings. Océan Pacifique du Nord.

9. A GENERAL CHART EXHIBITING DISCOVERIES MADE BY CAPTAIN COOK, &c. Same Map as last. Another edition. From the "Political Magazine," December 1784 and January 1785. Nomenclature same as above. 1785.

10. CARTE DE LA CÔTE N.-O. DE L'AMÉRIQUE, ET DE LA CÔTE N.-E. DE L'ASIE." In "Troisième Voyage de Cook." Paris, 1785. 4to. 1785.

Behring Sea occupies a central position, but without name.

Détroit de Behring. No name on that part of Pacific to south of Aleutian Islands, which is included.

11. GENERAL CHARTS, &C., IN COOK'S "DRITTE REISE." 2 vols. 4to. Berlin, 1788. 1788.

Behring Sea without name.

94 *Beaver See*, *Olutarskische See*, *Meerbusen von Anadir*, appear as subsidiary names close to Asiatic coast.

Seicht Wasser, *Bristol Bay*, similarly on American coast.

Behrings Strasse. Das Nordliche Stille Welt Meer.

12. CHARTE VON DER NORD-WESTLICHEN KÜSTE VON AMERICA UN DER NORD-ÖSTLICHEN KÜSTE VON ASIEN, in Cook's "Dritte Reise."

Behring Sea all included, but without name.

Berings Strasse. Meer von Ochotsk partly shown and prominently named.

No name on part of Pacific included south of Aleutian Islands.

1790. 13. A CHART OF THE NORTHERN PACIFIC OCEAN, CONTAINING THE N. E. COAST OF ASIA AND N. W. COAST OF AMERICA, EXPLORED IN 1778 AND 1779 BY CAPTAIN COOK, AND FURTHER EXPLORED IN 1788 AND 1789 BY JOHN MEARES. In "Meares' Voyage." 4to. edition. London, 1790.

Behring Sea is shown as *Sea of Kamtschatka.*
Behring's Straits.
North Pacific Ocean.

1790. 14. CHART OF THE N. W. COAST AMERICA AND N. E. COAST OF ASIA, EXPLORED IN THE YEARS 1778 AND 1779 BY CAPTAIN COOK, AND FURTHER EXPLORED IN THE YEARS 1788 AND 1789. In "Meares' Voyage." 4to. edition. London, 1790.

Behring Sea is shown as *Sea of Kamchatska.*
Behring's Straits.
The Northern Pacific Ocean.

1794. 15. CHART OF THE N. W. COAST OF AMERICA AND THE N. E. COAST OF ASIA, EXPLORED IN THE YEARS 1778 AND 1779. PREPARED BY LIEUT. HENRY ROBERTS UNDER THE IMMEDIATE INSPECTION OF CAPTAIN COOK. LONDON. PUBLISHED BY WM. FADEN, GEOGRAPHER TO THE KING, CHARING CROSS, JULY 24, 1784. 2ND EDITION. PUBLISHED JAN. 1st, 1794.

This is the 2nd edition of the Map described above (No. 4). On the face of it the following note is written:

ADVERTISEMENT.—The interesting discoveries made by British and American ships since the first publication of the Chart in 1784, together with the hydrographical materials lately procured from St. Petersburgh and other places, have enabled M. de la Rochette to lay down the numerous improvements which appear in the present edition.

W. FADEN.

CHARING CROSS, *Jan. 1st, 1794.*

The main body of Behring Sea, which in the 1st edition was styled *Sea of Kamchatka*, here appears without any distinctive name.

Sea of Kamtchatka is written on the waters immediately adjacent to the peninsula.

Sea of Anadir replaces the *Gulf of Anadir* of the 1st edition.

Sea of Okhotsk appears as a name of equal rank with *Sea of Kamtchatka* and *Sea of Anadir.*

Beaver Sea is written in smaller characters along the Kamtchatkan coast to the north of Petropaulovski.

Bhering Strait, Bristol Bay.

North Part of the Pacific Ocean or *Great South Sea.*

The Aleutian Islands are much more correctly given than in the 1st edition, and *North-West Sea* is the term applied to what is now known as Sitka Bight.

1795. 16. MAP OF DISCOVERIES BY CAPTAINS COOK AND CLERKE ON NORTH-WEST COAST OF AMERICA. In M. Carey's American Atlas. Philadelphia, 1795.

Behring Sea appears without a distinctive name, though it is very inaccurately represented as full of islands, across which the title *Northern Archipelago* is written.

Sea of Okotsk prominently marked.

Gulf of Anadyr, Bristol Bay, North Pacific Ocean.

95 17. HYDROGRAPHIE FRANÇAISE. MAPPE-MONDE OU CARTE RÉDUITE DES PARTIES CONNUES DU GLOBE, POUR SERVIR AU VOYAGE DE LA PÉROUSE, 1785–88. No date. Probably about 1798 or before, as Vancouver's surveys not included. From "Atlas du Voyage." La Pérouse. No. 1. 1798.

Behring Sea not named, though *Mer d'Ochotsk*, &c., named.

Behring Strait named *Dét. de Behring.*

Pacific Ocean named *Grand Océan.*

18. HYDROGRAPHIE FRANÇAISE. CARTE DES CÔTES DE L'AMÉRIQUE ET DE L'ASIE. From discoveries by French frigates "Boussole" and "Astrolabe." No date. Probably about 1798 or before, as Vancouver's surveys not included. From "Atlas du Voyage." La Pérouse. No. 15. 1798

Behring Sea not named on this large-scale Chart.

Behring Strait named *Dét. de Behring.*

North Pacific named *Grand Océan Septentrional.*

19. CHART OF THE PACIFIC OCEAN NORTH OF THE LINE. Laurie and Whittle. London, 1799. 1799.

Behring Sea named *Sea of Kamtschatka.*

North Pacific Ocean appears.

20. MAP SHOWING THE RUSSIAN EMPIRE in "View of of the Russian Empire." Took. London, 1800. 3 vols. 8vo. 1800.

Whole of Behring Sea included, but without separate name; on the contrary, the North Pacific is named as a whole *Eastern Ocean*, the first word lying to the north, the second to the south, of the Aleutian Islands. *Eastern Ocean* is used in the same general sense in the text.

Sea of Okhotsk distinctly named.

Behring's Straits.

21, 22. RUSSIAN ATLAS, CONSISTING OF 43 SHEETS, AND DIVIDING THE EMPIRE INTO 41 GOVERNMENTS. Published in 1800. 1 00.

Two Maps, one of E. Siberia and Russian America, the other a large Map of the whole Russian Empire. Names shown in the same way on both.

Behring Sea without separate name.

Kamtchatka Sea off coast of peninsula.

Okotsk Sea prominently marked.

Anadyr Sea of same rank as two above.

Behring Strait, Bristol Bay.

Pacific Ocean.

23. CARTE GÉNÉRALE DE L'EMPIRE DE RUSSIE DIVISÉE EN 41 GOUVERNEMENTS. Rédigée en 1800 par A. Vilbreckht. 1800.

Names given in same manner as No. 19.

24. MAP PUBLISHED BY THE QUARTERMASTER-GENERAL'S DEPARTMENT. Russia, 1802. 1802.

This Map, a *fac-simile* of which is attached to the British Case, is really a Chart showing the Asiatic and American coasts and the whole of Behring Sea.

The copy in possession of Her Majesty's Government is the identical one sent by Sir C. Bagot, 17th November, 1821, in his despatch of that date, and with MS. notes upon it.

Behring Sea is named, in large letters running from west to east, *Beaver Sea.*

Kamtschatka Sea, in smaller letters, runs parallel to coast of peninsula of same name, and inside the Commander Islands.

North Pacific is named *Southern Ocean* or *Still Sea.*

BEHRING STRAIT.

1802. 25. CHART OF THE STRAIT BETWEEN ASIA AND AMERICA WITH THE COAST OF THE TSCHUTSKI. Drawn by A. Arrowsmith.

This Map appears in an account of a geographical and astronomical expedition to the northern part of Russia (expedition of Billings for the Russian Government), by Sauer. London, 1802.

This is practically a Chart of Behring Sea, but that sea is not separately named in any way.

Sea of Ochotsk appears prominently. *Sea of Anadyr* in bay of that name.

1802. 96 26. VOYAGES ALONG THE NORTH-EAST COAST OF SIBERIA, AND ARCTIC AND PACIFIC OCEANS DURING EIGHT YEARS, &c. (Billings' Expedition.) By Captain Sarychef. St. Petersburg, 1802.

Behring Sea without any general name.

Sea of Kamtschatka, &c., appear precisely as in Map No. 32, which is a German edition of the same.

1804. 27. GENERAL MAP OF NORTH AND SOUTH AMERICA. A. Arrowsmith. London, 1804.

All eastern part of Behring Sea included as far west as Behring Island, but without name.

North Pacific Ocean.

1804. 28. MAP OF AMERICA. A. Arrowsmith. 1804.

Behring Sea without name.

Bhering's Strait. North Pacific Ocean.

1804. 29. A GENERAL AND CLASSICAL ATLAS. By E. Pattison. 1804.

Map 3. The world.

Rather small Map in Hemispheres. No names on Behring Sea, Okotsk Sea, Japan Sea, &c., though *Hudson's Bay, Baffin's Bay, China Sea*, &c., shown.

North Pacific Ocean appears alone.

30. Map 5. Asia.

Western part of Behring Sea shown, but without name, though *Sea of Okotsk*, &c., named.

Pacific Ocean.

31. Map 7. North America.

Eastern part of Behring Sea shown, but without name.

North Pacific Ocean.

1805. 32. CHARTE DES NORDÖSTLICHEN THEILS VON SIBIRIEN, DES EISMEERS, DES OSTOCEANS UND DER NORDWESTLICHEN KÜSTE VON AMERICA. Entworfen von Sarütschew.

From Sarychef's account of Billings' voyages. German translation. Leipzig, 1805.

Behring Sea without any general name.

Das Meer von Kamtchatka appears in the western part of the sea, to north of Commander and the western Aleutian Islands, but is distinctly intended to apply only there. Lettering used in this case same with that of *Das Ochotskische Meer.*

Berings Strasse. Ost-Ocean oder das Stille Meer.

33. REDUCED CHART OF PACIFIC OCEAN BY ARROWSMITH. Additions to 1809. One Sheet.

This is a reduction of No. 40, described below, but evidently from an earlier edition than there quoted, extending equally far north, and likewise showing Behring Sea without name. 1809.

34. SMITH'S NEW GENERAL ATLAS. London, 1809. 1809.

Map 1. Western Hemisphere. Behring Sea named *Sea of Kamtschatka.*

Bering's Str. North Pacific Ocean.

35. Map 3. The World. Mercator's Projection.

Same as last.

36. Map 28. Russian Empire.

Behring Sea named *Sea of Kamtchatka.*

37. Map 31. Asia. Greater part of Behring Sea shown, and portion of America, but without name on sea.

Bering Str. North Pacific Ocean. Part of the latter name runs over into Behring Sea.

38. Map 41. America.

Behring Sea named *Sea of Kamtchatka.*

39. Map 42. North America. Greater part of Behring Sea included in detail, but without name.

Bhering's St. North Pacific Ocean.

40. ARROWSMITH'S CHART OF THE PACIFIC OCEAN. This is a large and important Map in nine sheets, specially devoted to the Pacific Ocean. Originally published 1798. This edition with corrections to 1810. The northern edge of the Map runs about latitude 62° north, and it includes the greater part of Behring Sea, but shows it as a large blank unnamed space. *Bristol Bay* alone is rather prominently named. By contrast, the *Sea of Ochotsk*, *Sea of Japan*, and other inclosed seas are named.

97 41. KARTE DE GROSSEN OCEAN. Soltzmann. Perthes, 1810. 1810.

Behring Sea named *Kamschatkisches Meer.*

42. OSTELL'S NEW GENERAL ATLAS. London, 1810. 1810.

Map 1. The World. Behring Sea without name, though *Sea of Okhotsk*, &c., all clearly named.

Bhering's Strait. North Pacific.

43. Map 19. Asia. Includes all the western part of Behring Sea, but without name.

Pacific Ocean.

44. Map 24. North America. Includes all eastern part of Behring Sea, but without name.

Bhering's Straits. Pacific Ocean.

45. CHART OF THE WORLD. Mercator's Projection. Showing Captain Cook's discoveries. Date assigned in catalogues, 1811. (From Guthrie's "Atlas.") 1811.

Behring Sea named *Sea of Kamtschatka.*
Bhering's Straits. North Pacific Ocean.

1811. 46. HYDROGRAPHICAL CHART OF THE WORLD. A. Arrowsmith, 1811.
Behring Sea named *Sea of Kamtchatka.*
Bering's Strait. North Pacific Ocean.

1812. 47. MAP OF THE WORLD ON MERCATOR'S PROJECTION ILLUSTRATING LISIANKY'S VOYAGE ROUND THE WORLD. St. Petersburg, 1812.
Behring Sea without separate name.
Bering Strait. North Pacific Ocean.

1812. 48. NEW ATLAS. Fielding Lucas. Baltimore. Assigned date in catalogue, 1812.
Map 2. Western Hemisphere.
Behring Sea named *Kamtschatka Sea.*
North Pacific Ocean.
49. Map 3. The World. Mercator's Projection.
Behring Sea shown, but without name.
Beering's Str. North Pacific Ocean.
50. Map 29. North America.
Behring Sea named *Sea of Kamtschatka.*
Behring's Str. Pacific Ocean.

1813. 51. GOLDSMITH'S ATLAS. London, 1813.
Map 1. The World. Stereographic Projection.
Behring Sea not named, though *Sea of Okhotsk*, *Sea of Japan*, &c., named.
North Pacific Ocean.
52. Map 2. World on Mercator's Projection.
Names same as above.
53. Map 4. Asia. Same as above.

1813. 54. NEW ELEMENTARY ATLAS. Cary. London, 1813.
Map 1. The World. *Sea of Kamtschatka* placed in western part of Behring Sea adjacent to the peninsula of same name. No general name for Behring Sea.
North Pacific Ocean.
55. Map 2. The World. Same as above.
56. Map 19. Asia.
Sea of Kamtschatka, the name being placed quite close to the land of the peninsula.
57. Map 25. North America. Whole eastern part of Behring Sea shown, but without name.

1814. 98 58. NEW MAP OF AMERICA. Smith. London, 1814.
Behring Sea called *Sea of Kamschatka.*

1814. 59. MAP OF THE WORLD. Illustrating the voyages and travels of G. H. von Langsdorff. In Langsdorff, "Voyages and Travels, 1803–7." London, 1814. 4to. 2 vols.
This Map is separately marked on margin as engraved in 1814.
Behring Sea without name, though the author's route passes twice across it.
Behrings Strait. North Pacific Ocean.

1815. 60. PINKERTON'S ATLAS. London, 1815.

No. 1. The World, Western Hemisphere. Behring Sea named *Sea of Kamtchatka.*

61. No. 3. Northern Hemisphere (Polar Projection). Behring Sea named *Sea of Kamtchatka.* This name, and those of *Sea of Okhotsk*, *Sea of Jesso*, *Yellow Sea*, &c., all in one size and style of lettering, and apparently similarly subordinate to *Grand Northern Ocean*, which is written across the Pacific.

62. No. 40. About half of the eastern part of Behring Sea is shown on this Map, but without any name, though there is plenty of room for its introduction. *Grand Northern Ocean* written across Pacific.

63, 64. Nos. 60 & 61. The World, on Mercator's Projection. Behring Sea named *Sea of Kamtschatka.* In one Map is in same size and style of lettering as *Sea of Okhotsk*, in the other in same form as *Davis's Strait.* Part of the name *Grand Northern Ocean* extends to the west of the Kurile Islands chain.

65. CARTE ENCYPROTYPE DE L'AMÉRIQUE. H. Brué, 1815. 1815.

Behring Sea named *Bassin du Nord.*
Behring Strait named *Dét. de Behring.*
Pacific named *Grand Océan.*

66. CHARTE VON DER BEHRINGS STRASSE. August 1816. 1816.

In Kotzebue, "Entdeckungs-Reise in die Sud-See," &c. Weimar, 1821. This Chart is the original of that in the English translation. Large part of Behring Sea shown, but without name.

Behrings-Strasse.

67. COMPENDENSER ALLGEMEINER ATLAS. Geog. Inst., Weimar, 1816. 1816.

Map 2. Western Hemisphere. Behring Sea without name.
Behring Strait named *Cook's Stra.*
North Pacific named *Das Nordliche Stille Weltmeer.*

68. Map 26. Asia. Behring Sea named here *Kamtschatkaschte Meer.*

Cook, od. Behring's Strasse.

69. Map 29. America. Part of Behring Sea shown, but without names.

70. THOMPSON'S NEW GENERAL ATLAS. Edinburgh, 1817. 1817. Folio.

Map. 1. Hydrographical Chart of the World, Mercator's Projection.

Sea of Kamtchatka engraved parallel to the peninsula, and near it. No general names for Behring Sea.

Behring Str. North Pacific Ocean.

71. Map 2. Northern Hemisphere, Polar Projection.
Behring Sea named *Sea of Kamtchatka.*
N. Pacific named *Grand Northern Ocean.*

72. Map 5. Western Hemisphere.

Sea of Kamtchatka, but evidently applied to western part only of Behring Sea.

S. of Anadir also appears, though in smaller letters, in north-western part of Behring Sea.

73. Map 6. Northern Hemisphere, projected on plane of horizon of London.

Behring Sea named *Sea of Kamtschatka, Bhering Str.*

74. Map 35. Asia. Whole of Behring Sea shown.

Sea of Kamtschatka engraved between *Bhering's I.* and the peninsula, and evidently confined to western part of Behring Sea. Manifestly equivalent in rank to *Sea of Anadir*, which is engraved in gulf of that name further north.

North Pacific Ocean.

75. Map 36. Russian Empire. *Sea of Kamtchatka* on western part of Behring Sea, which is alone included.

99 *Bhering's Strait. Pacific Ocean.*

76. Map 52. America. Greater part of Behring Sea shown, but without name.

Bhering's St. North Pacific Ocean.

77. Map 53. North America. About half of Behring Sea shown, but without name.

Bhering's Straits. North Pacific Ocean.

78. Map 74. Chart of northern passage between Asia and America.

Behring Sea named *Sea of Kamtchatka* as a whole.

Behring's Strait. Northern part of Pacific Ocean.

1817. 79. CHARTE VON AMERICA. F. W. Streit. Nürnberg, 1817.

Behring Sea named *Meer von Kamtchatka.*

Pacific Ocean named *Der Stille Ocean.*

1817. 80. RUSSIAN WAR TOPOGRAPHICAL DEPÔT MAP. General Map of Asia. St. Petersburg, 1817.

Behring Sea so named, in same style of lettering as *Okhotsk Sea*, &c.

Pacific Ocean so named.

1817 81. CHARTE VON AMERICA. Streit. F. Campe, Nürnberg, 1817.

Behring Sea named *Meer von Kamtchatka.*

Behring Strait named *Behring oder Cooks Strasse.*

Pacific named *Der Stille Ocean.*

1818. 82. MAP OF COUNTRIES ROUND THE NORTH POLE. A. Arrowsmith. London, 1818.

Behring Sea named *Sea of Kamschatka.*

North Pacific Ocean.

1818. 83. MAP OF NORTH POLAR REGIONS. H. M. Leake, 1818.

Behring Sea named *Sea of Kamchatka.*

North Pacific Ocean.

1818. 84. MAP OF COUNTRIES ROUND THE ARCTIC OCEAN. J. Wyld. London, 1818.

Behring Sea named *Sea of Kamschatka.*

1818. 85. MAP OF COUNTRIES ROUND ARCTIC OCEAN. C. Smith. London, 1818.

Behring Sea named *Sea of Kamschatka.*

86. ASIA. By Arrowsmith. London, 1818. 1818.
Behring Sea not named, though a large part of the western side is included.

87. CHART OF THE NORTH COAST OF ASIA, AND OF THE SEA TO THE NORTH OF BERING'S STRAIT. In Burney's "Chronological History of North-Eastern Voyages of Discovery." London, 1819. 1819.
Greater part of Behring Sea included, but without name, though the northern part of the *Sea of Ochotzk*, which is alone included, is prominently named.

88. BRADLEY'S UNIVERSAL ATLAS. London, 1819. 1819.
Map 1. The Globe.
Behring Sea without name.
Behring's Str. Pacific Ocean.
89. Map. 3. Asia. Shows the whole of Behring Sea, but without name, in manifest contrast to *Sea of Ochotsk*, &c.
Bhering's Str. Pacific Ocean.
100 90. Map 5. North America. Includes greater part of Behring Sea, but without name.
Bhering's Strait.

91. CARTE DE L'ASIE. Brué. Paris, 1820. 1820.
Behring Sea named *Mer de Behring.*
Behring Strait named *Dét. de Behring.*
Pacific named *Grand Océan.*

92. ROSSI ATLAS. Milan, 1820. 1820.
Map 6. World in Hemispheres.
Behring Sea named *Bacino del Nord.*
Behring Strait named *Str. di Bering.*
North Pacific named *Grande Oceano Boreale.*
93. Map 7. The World. Mercator's Projection.
Behring Sea appears without name.
Behring Strait named *Stretto di Bhering.*
Pacific named *Mare Pacifico.*
94. Map 25. Asia.
Behring Sea appears without distinctive name, *G d'Anadir* and *Baya di Bristol* occupying most of available area for name.
95. Map 31. Grande Oceano.
Behring Sea appears without name. *Mare d'Ochotsk*, &c., named, and *Baia di Bristol* in letters of same size and style with these.
96. Map 34. L'America Settentrionale.
Shows the whole of Behring Sea, but without name.
Behring Strait named *Stretto di Bhering.*
North Pacific named *Oceano Boreale.*
It is notable that on this rather large Map Behring Sea has no name, though *Sea of Okotsk*, though only partially included, is named in prominent characters.
This Map bears below border, "Incisero l'anno 1821."

97. CHART OF BEERINGS STRAITS ON MERCATOR'S PROJECTION, AUGUST 1816. In Kotzebue, "Voyage of Discovery into the South Sea," &c. English Translation. London, 1821. 1821.
This Chart bears on margin date of production, 1821.

Large part of Behring Sea shown, but without distinctive name.

1822. 98. MAP OF AMERICA. By A. Arrowsmith, Hydrographer to His Majesty. London, 1822. Additions to 1823.
Greater part of Behring Sea included, but without name.
Beering's Strait. North Pacific.

1823. 99. AMERICAN ATLAS. Carey and Son. Philadelphia, 1823.
Map 3. Eastern part of Behring Sea shown, but without name.
Str. of Bhering. Pacific Ocean.

1824. 100. AMERICA. R. Wilkinson. London, 1824.
Behring Sea named *Sea of Kamschatka.*

1825. 101. WELTCHARTE IN MERCATOR'S PROJECTION. Von Christian Gottleib Reichard. Nüremberg, 1825.
Behring Sea named *Meer von Kamtschatka.*
Behrings Strasse. Nordlicher Grosser Ocean.

1825. 101 102. BUTLER'S ATLAS. London, 1825.
Map 1. The World, in Hemispheres.
Behring Sea shown without name, though *Sea of Ochotsk*, &c., named.
Bhering's Strait. North Pacific Ocean.
103. Map 16. Asia.
Behring Sea named *Sea of Kamtschatka.*

1825. 104. A NEW GENERAL ATLAS. A. Finley. Philadelphia, 1825.
Map 1. Western Hemisphere.
Behring Sea named *Sea of Kamtschatka.*
Bhering's Straits. North Pacific Ocean.
105. Map 3. The World. Mercator's Projection.
Behring Sea shown without name.
Bhering's Straits. North Pacific Ocean.
Sea of Ochotsk, *Baffin's Bay*, &c., all named.
106. Map 4. North America. Behring Sea included in part, but without name.
107. Map 51. Asia. Greater part of Behring Sea included, but without name.

1826. 108. SMITH'S GENERAL ATLAS. London. 1826.
Map 1. The World, in Hemispheres.
Behring Sea named *Sea of Kamtschatka.*
Bhering's St. North Pacific Ocean.
109. Map 31. Asia. The greater part of Behring Sea shown, but without name.
Sea of Anadir, in north-west part of Behring Sea, very prominently named.
Bering's Str. North Pacific Ocean.
The latter name, as in previous edition of this Map, extends over part of Behring Sea.
110. Map 33. Russian Empire.
Behring Sea named *Sea of Kamtschatka.*
111. Map 47. Behring Sea named *Sea of Kamtchatka.*
112. Map 48. North America. Western part of Behring Sea shown, but without name.
Bhering's St. North Pacific Ocean.

113. NORDAMERIKA UND WESTINDIEN. Versen. Assigned date in Catalogue, 1827. 1827.
Behring Sea named *Meer von Kamschatka.*
Behring Strait named *Cook's Strait.*

114. CARTE GÉNÉRALE DE L'OCÉAN PACIFIQUE. By Krusenstern. St. Petersburg, 1827. 1827.
Behring Sea named *Mer de Behring.*

115. CHART OF THE WORLD, upon Mercator's Projection. Cary. London, 1827. 1827.
Behring Sea without name, though *Sea of Okhotsk*, &c., prominently named.
Behring Strait. North Pacific Ocean.

116. THE EATON COMPARATIVE ATLAS. By A. Arrowsmith. London, 1828. 1828.
Map 3. Asia.
Western part of Behring Sea shown, but without names.
Bhering's Strait, Sea of Okotsk, &c., named.
North Pacific Ocean.
117. Map 27. Western Hemisphere.
Whole of Behring Sea shown, but without name.
Beering's Str. named.
North Pacific Ocean.

118. A NEW GENERAL ATLAS. John Grigg. Philadelphia, 1828. 1828.
Map 1. Western Hemisphere.
Behring Sea without name.
Bhering Str. North Pacific Ocean.
119. Map 14. Asia.
Behring Sea without name.

102 120. GENERAL ATLAS OF THE GLOBE. By M. Malte-Brun. Philadelphia, 1828. 1828.
Map of Siberia and Central Asia shows western part of Behring Sea only.
Pacific Ocean written from Kurile Islands northwards beyond Aleutians.
Sea of Okhotsk and *Sea of Anadyr* so named.
121. Map of the World in Hemispheres.
The whole of Behring Sea is shown without name, while *Sea of Okhotsk* is so named.

122. ASIA. A. R. Fremin. Paris, 1829. 1829.
Behring Sea named *Bassin du Nord, ou de Behring.*
Pacific named *Grand Océan, Mer de Sud, ou Océan Pacifique.*

123. ASIEN. Schmidt. Berlin, 1829. 1829.
Behring Sea named *Kamtschatkisches Meer.*
Behring Strait named *Behring Strasse.*
Pacific named *Das Grosse Weltmeer.*

124. ATLAS UNIVERSEL DE GÉOGRAPHIE. Lapie. Paris, 1829. 1829.
No. 16. A Map of the World on Mercator's Projection. Separately dated on engraving, 1832.
Behring Sea is marked *Mer de Béhring* in letters same size and style as those employed for *Baie de Baffin*, and

larger than those used for *Mer d'Okhotsk*, *M. de Saghalien*, &c.

The Pacific is named *Grand Océan Equinoxial*, this name running along the Equator.

125. No. 17. Map of the World in Hemispheres. Separately dated on engraving, 1831.

Behring Sea named as above, but the North Pacific named *Grand Océan Boréal.*

The spelling of Béring on these Maps, and the names used for the Pacific, seem to show that they, or previous editions of the same, were not employed by the negotiators.

1830. 126. AN ATLAS OF MODERN GEOGRAPHY. A. Arrowsmith. 1830.

Map 1. Behring sea shown without name.

North Pacific.

127. Map 28. Similar to last.

1830. 128. A COMPARATIVE ATLAS. By A. Arrowsmith. London, 1830.

Map 27. Western Hemisphere.

The whole of Behring Sea shown, but without name.

Beerings Strait. North Pacific Ocean.

129. Map 28. North America.

Greater part of Behring sea shown, but without name.

Beering's Str. North Pacific Ocean.

1830. 130. AMERICA. Prof. J. M. F. Schmidt. Berlin, 1830.

Behring Sea named *Meer von Kamtschatka.*

North Pacific named *Die Nord See.*

1831. 131. CHART SHOWING THE TRACK OF H. M. S. "BLOSSOM," in "Narative of a Voyage to the Pacific and Beering's Strait, 1825–28." London, 1831.

Behring Sea shown, but without name.

Beering's Strait. North Pacific Ocean.

1832. 132. HYDROGRAPHICAL CHART OF THE WORLD. A. Arrowsmith. London. New edition. 1832.

Behring Sea named *Sea of Kamtchatka.*

Bering's Strait. North Pacific Ocean.

1832. 103 133. ARROWSMITH'S CHART OF THE PACIFIC OCEAN. See No. 30. Another edition corrected to 1832, and with note below title, stating that corrections were made in 1810, 1814, 1817, 1818, 1822, 1826, and 1832.

In the 1832 edition the size and general outlines are as before, and Behring Sea is still without name. Other inclosed seas named as before.

It may be supposed that the negotiators for Treaty of 1825 were supplied with corrected copy to 1822, and it is clear that on this copy the nomenclature must have been the same as on those of earlier and later dates.

1835. 134. MAP OF THE PACIFIC OCEAN IN "ARROWSMITH'S ATLAS." London, 1835.

Behring Sea, or Sea of Kamtschatka.

1839. 135. WELTCHARTE IN MERCATOR'S PROJECTION. Reichard. Nürnberg. New edition, 1839.

Behring Sea named *Meer von Kamtschatka.*

Behring's Strasse. Nordlicher Grosser Ocean.

136. CARTE DE L'OCÉAN PACIFIQUE. In Atlas accompanying Duflot de Morfas' work. Paris, 1844. 1844.

Behring Sea without name, though *Mer d'Okhotsk*, &c., are prominently named.

Dét. de Béring. Grand Océan Septentrional.

The particulars above given show in what manner and to what extent the terms *Sea of Kamtchatka* and *Behring Sea* had been and were used, at about the time of the Ukase of 1821 and the consequent negotiations, in Maps, upon which the United States appears to rely rather than upon distinct geographical definitions.

In 49 of the 136 Maps above quoted a separate name (usually Sea of Kamtchatka) is given to the portion of the North Pacific Ocean now known as Behring Sea. On the remaining 87 Maps no general name for the Sea appears, though on 25 the names "Sea of Kamtchatka," "Sea of Anadyr," "Beaver Sea," &c., are given as referring only to certain parts of the sea adjacent to the Asiatic coast.

2.—ON THE USE OF THE NAMES "NORTH-EASTERN OCEAN," "EASTERN OCEAN."

In regard to the term *North-Eastern Sea* or *Eastern Ocean*, which it is claimed was also used as a distinctive name for what is now generally known as Behring Sea, it is to be remarked that neither of these terms is noted as being used upon any of the Maps contained in the selected list brought forward by the United States. United States Case, p. 53.

1. *North-Eastern Sea.*—The only instances cited for the use of *North-Eastern Sea*, as another name for Behring Sea, are the first and third Charters of the Russian-American Company.

In the first—the Ukase of 1799—the expression used is North-Eastern *Ocean*—not North-Eastern *Sea*—which applies to the waters from Behring Strait down to 55° north latitude, and therefore includes waters outside Behring Sea. The Kurile Islands are also distinctly mentioned as being included in the waters covered by the expression.

In the third Charter—of 1844—*North-Eastern Sea* is used. The wording of the paragraph does not make it quite so clear, as in the Ukase of 1799, that the Kurile Islands are included in the waters so designated, though the presumption is strong that this is so; but as the southern limit is 54° 40′ north latitude, the term obviously includes the waters south of Behring Sea.

North-Eastern Sea is also used in the Ukase of Nicholas of the 29th March (10th April), 1829 (confirming the Charter of 1821), and evidently applies to all the waters down to 54° 40′ north latitude. This passage is not cited by the United States.

The position assumed by the United States makes it necessary for them to endeavour to explain the term North-Eastern Ocean used in these Charters as being a distinctive name for Behring Sea, but no other authority for its use in

this limited sense has been adduced, and the Charters themselves, as shown above, clearly fail to support the interpretation claimed by the United States.

2. *Eastern Ocean.*—The authorities quoted by the United States for the use of this term as applied to Behring Sea only are two in number: (*a*) A Map which forms the frontispiece of "Coxe's Russian Discoveries;" (*b*) Globe, by D. Adams, London, 1797. This is quoted in a foot-note to the list of Maps, p. 290, vol. i. It did not appear in the list appended to Mr. Blaine's note of the 17th December, 1890.

104 With regard to (*a*), it is to be observed that, although in the Map on the frontispiece of Coxe, edition of 1803, *Eastern Ocean* is written on the ocean to the north of the Aleutian Islands, no name is actually written across the comparatively small portion of the ocean to the south of these islands included by the Map; and that in a further Map (facing p. 248) of Krenitzin's and Levasheff's Voyage to the Fox Islands in 1768 and 1769, *Eastern Ocean* is written so as to include the waters south of the Aleutian Islands as well as those to the north.

Further, in the first sentence of Chapter I, Part I (p. 21, ed. 1803), Coxe says:

> The possession of Kamtchatka was soon followed by voyages of discovery to the *North Pacific Ocean.*

Then follows an account of Peter the Great's plan of a voyage to ascertain the separation, contiguity, or connection of Asia and America, with his instructions to Vitus Beering.

At p. 110 of the same edition the following passage occurs:

> A full and judicious account of all the discoveries hitherto made in the *Eastern Ocean* may be expected from Müller. Meanwhile, the following narrative, extracted from original papers, and procured from the best intelligence, may be acceptable to the public.

The narrative that follows is one of voyages to the Aleutian Islands and Kadyak, and it is mentioned that the explorers in some instances first sailed south from Behring Island and Kamtchatka in search of land (pp. 142, 150); but being disappointed, bore north for the Aleutian Islands.

It is thus quite clear that the term *Eastern Ocean*, as here employed, is not a special designation of Behring Sea, but a synonym of *Pacific Ocean*, precisely analogous to the term *Western Ocean*, which is often employed in Europe for the *Atlantic Ocean.* Behring Sea was, in fact, a part of the *Eastern Ocean* of Coxe, who thus uses it in the same sense as that in which *North-Eastern Sea* or *Ocean* was employed in the Russian Charters above alluded to.

(*b.*) The Globe by D. Adams, London, 1797, which is the only other authority quoted for the limited application of the term *Eastern Ocean*, has not been found, though two earlier Globes by the same author, dated 1769 [?] and 1772 [?], are in the King's Library at the British Museum.

These Globes, as is to be expected from their early dates, show a very imperfect knowledge of the regions in question.

The names, which are in Latin, and the configuration cor-

respond with those in Müller's Map, published in London in 1761, above alluded to at p. 86 of this Appendix.

But assuming that "Eastern Ocean" is confined to Behring Sea on the Globe of 1797, quoted by the United States, this authority cannot be set against that of other Maps, which clearly show that the term, which was rarely used, was not confined to the waters north of the Aleutian Islands, and was in most cases a synonym for the "Pacific Ocean." The following may be quoted:

SAYER AND BENNETT'S EAST INDIA PILOT CHART, No. 23, 1780. *Eastern Ocean* extends along the parallel of 18° north latitude and from 125° east to 156° east longitude, or from near Luzon Island beyond the Ladrone Islands. 1780.

MAP OF ASIA, according to Sieur d'Anville, published by R. Sayer, London, 1772. *Eastern Ocean* is placed in about the same position as in preceding Map quoted. 1772.

MOLL'S ATLAS, MAP OF THE WORLD ON MERCATOR'S PROJECTION. The *Eastern Ocean* or *Parts unknown* is written off the north-east shore of Asia, Asia north of Japan.

MAP SHOWING THE RUSSIAN EMPIRE, in "View of the Russian Empire," 3 vols. 8vo. Took, London, 1800. The North Pacific is named as a whole *Eastern Ocean*, the first word lying to the north, the second to the south, of the Aleutian Islands. *Eastern Ocean* is used in the same general sense in the text. 1800.

CHARTE DES NORDÖSTLICHEN THEILS VON SIBIRIEN DES EISMEERS, DES OST-OCEANS UND DER NORDWESTLICHEN KÜSTE VON AMERICA. Entworfen von Sarüts chew, from Sarychef's account of Billings' Voyages, German translation, Liepzig, 1805. 1805.

Ost-Ocean oder das Stille Meer.

MAP ON MERCATOR'S PROJECTION OF A PART OF THE EASTERN OCEAN ADJACENT TO NORTH-WEST AMERICA BETWEEN THE STRAITS OF FUCA AND THE GULF OF KENAI, edition of 1826. A Russian Map, published at St. Petersburgh. 1826.

The words *Part of the Eastern Ocean* are written in three horizontal lines off the portion of the coast given.

105 RUSSIAN MAP, published at St. Petersburgh 1826, with a similar title to the above, but giving the coast from the Gulf of Panamá to the Straits of Fuca. *Part of the Eastern Ocean* is written in like manner in three horizontal lines opposite the coast given. 1826.

MAP OF THE ENTRANCES TO PORT OF NEW ARCHANGEL THROUGH THE SOUNDS OF SITKA AND KLOKATCHEFF, DRAWN UP FROM DESCRIPTIONS OF STURMAN VASILEFF I IN 1809 AND VASILEFF II IN 1833, AND ENGRAVED IN HYDROGRAPHIC DEPARTMENT OF MINISTRY OF MARINE, 1848. A Russian Map, published at St. Petersburgh. *Eastern Ocean* is written off the portion of the coast given in three horizontal lines. 1848.

MAP ON MERCATOR'S PROJECTION OF THE SOUTHERN PORTION OF THE KOLOSCHENSKY ARCHIPELAGO, DRAWN 1853.

UP FROM VARIOUS JOURNALS AND MAPS, AND ENGRAVED IN THE HYDROGRAPHICAL DEPARTMENT OF THE MINISTRY OF MARINE, 1853. A Russian Map, published at St. Petersburgh. *Eastern Ocean* is written in a line parallel to the coast given.

1859. GENERAL MAP OF ASIATIC RUSSIA OR SIBERIA, AND THE RUSSIAN NORTH-AMERICAN POSSESSIONS. ST. PETERSBURGH, 1859. A Russian Map, published at St. Petersburgh in 1859. The ocean south of the Aleutian Islands is marked *Eastern, Great, or Pacific Ocean.*

3.—ON THE MEANING OF THE TERM "NORTH-WEST COAST OF AMERICA," OR "NORTH-WEST COAST."

Mr. Blaine, in his despatch of the 17th December, 1892, discusses the question of the meaning of the term *North-west Coast* or *North-west Coast of America* at greater length, and more fully explains the contention with reference to it, than is done in the Case of the United States. He writes as follows:

Mr. Blaine to Sir J. Pauncefote, December 17, 1892.

The dispute prominently involves the meaning of the phrase "north-west coast," or "north-west coast of America."

* * * * *

"United States No. 2 (1890)," No. 19, p. 37. British Case, Appendix, vol. ii.

The contention of this Government is that by long prescription the "north-west coast" means the coast of the Pacific Ocean, south of the Alaskan Peninsula, or south of the 60th parallel of north latitude; or, to define it still more accurately, the coast, from the northern border of the Spanish possessions, ceded to the United States in 1819, to the point where the Spanish claims met the claims of Russia, viz., from 42° to 60° north latitude. The Russian authorities for a long time assumed that 59° 30′ was the exact point of latitude, but subsequent adjustments fixed it at 60°. The phrase "north-west coast," or "north-west coast of America" has been well known and widely recognized in popular usage in England and America from the date of the first trading to that coast, about 1784. So absolute has been this prescription that the distinguished historian, Hubert Howe Bancroft, has written an accurate history of the north-west coast, which at different times, during a period of seventy-five years, was the scene of important contests between at least four Great Powers. To render the understanding explicit, Mr. Bancroft has illustrated the north-west coast by a carefully prepared Map. The Map will be found to include precisely the area which has been steadily maintained by this Government in the pending discussion.

The phrase "north-west coast of America" has not infrequently been used simply as the synonym of the "north-west coast," but it has also been used in another sense as including the American coast of the Russian possessions as far northward as the Straits of Behring. Confusion has sometimes arisen in the use of the phrase "north-west coast of America," but the true meaning can always be determined by reference to the context.

It can, however, be shown by actual reference to published maps and documents (apart from the negotiations leading up to the conclusion of the Conventions of 1824 and 1825 cited in the British Case, Chapter III): (1) That *North-west Coast of America* and *North-west Coast* are practically identical expressions, "America" being in the latter case understood, and the abbreviated form being merely arrived at by the elision of that word. (2) That the full meaning of the term, in either form, included the western coast of North

America, starting from an indefinite point to the southward, and extending up to Behring Strait, which is defined as the northern limit. (3) That in one or other form it has nevertheless been loosely employed in an indefinite way as a general name for various different parts of the west coast of North America.

North-west Coast.

The term *North-west Coast*, or, more fully, *North-west Coast of North America*, is in fact a descriptive one of a somewhat peculiar character.

Looking at the map, it will be seen that the coast which has not infrequently been so named is in reality the coast of North America which faces west or south-west, and forms the eastern and north-eastern coast-line of the North Pacific.

106 This term, however, appears in the title of some very early Maps, such as that by Müller, dated 1761, which is entitled, "A Map of the Discoveries made by the Russians on the North-west Coast of America;" that accompanying the original edition of Cook's third voyage, dated 1784, and entitled, "Chart of the North-west Coast of America and the North-east Coast of Asia;" and that in Vancouver's voyage (1798), named "A Chart showing part of the Coast of North-west America."

The last-named map, however, affords a clue to the original meaning of the term, and shows that, in these instances, we should read in full "Coast of the North-western part of the North American continent," and, conversely, "Coast of the north-eastern part of the continent of Asia."

It is very probable that the meaning of the term *North-west Coast of America* began to be differently understood at a later date, when it came into common use in the United States, for the coast in question was actually situated to the north-west of all the inhabited centres of that country. Thus it became possible and appropriate to drop the words "of America."

But, in admitting this, it is also evident that the *North-west Coast*, as thus secondarily applied must have included the whole coast lying north-westerly from the point of observation, or trending from any given point of departure on the west coast of the continent in a general north-westerly direction.

It appears, however, to be maintained on the part of the United States that, at some still later date, the term *north-west coast* came to bear a quite definite signification, as referring to a certain particular part of the western coast of North America.

In this case such usage may be expected to be found recorded in writings or on maps at some particular epoch, and thereafter to have been continued with precision.

The term is seldom found as a geographical one defined verbally. In fact, the only such attempt at precise definition so far met with is that of Greenhow (in 1840), already quoted in the British Case (pp. 66–67), from which it appears that he understood the north-west coast to extend from the 40th parallel to Behring Strait.

In Burney's "Chronological History of North-eastern Voyages of Discovery," London, 1819, chapter 19 is enti-

tled "Captain Cook on the North-west Coast of America." This title is continued as a side-note to the pages following as far as to p. 229, or from the point at which Cook first sighted the land in latitude 44½° to Unalaska. After this point "west coast" is substituted for "north-west coast," thus showing where the author, who was a member of Cook's expedition, supposed the north-west coast to end.

As the result of the examination of a large series of maps, relating particularly to the dates near to that of the Ukase of 1821 and the Conventions of 1824 and 1825, it is found that this term is seldom employed, and then only with a very lax and general meaning.

On Müller's Map of 1761, republished by Jeffreys in London, the description "North-west Coast of America" occurs in the title only, while the coast delineated extends to what is now known as Behring Strait. A map published in the "London Magazine" in 1764, also refers to "North-west Coast of America" in its title, but as it is merely a reduced copy of Müller's map, does not throw any further light on the subject.

Coming down to the date of Cook's third voyage in 1784, we again find a corresponding title, viz., "Chart of the North-west Coast of America and North-east Coast of Asia." This chart is drawn so as to include the coast from the vicinity of the point where it was first reached by Cook (about latitude 44°) to Icy Cape, situated north of Behring Strait and in the Arctic Ocean. The same remarks apply to the corresponding map in the French edition of Cook's Voyage, dated 1785.

In 1798, Vancouver's Voyage contains "A Chart showing *part* of the coast of North-west America," and this includes the coast-line continuously from latitude 30° to a point a little west of Kadiak Island.

A few years later, in 1802, we find Charts 1 to 3 published in connection with the voyage of the "Sutil" and "Mexicana," in Madrid, entitled "*La Costa Nord-ouest de America.*" These continuously include from about latitude 17° northward and westward to Unalaska Island in the Aleutian chain.

British Case, Appendix, vol. iv.

Another chart, also published in 1802, by the Quartermaster-General's Department, Russia, shows (in Russian characters) the legend "Part of the north-west coast of America" running on the continental land from a point near the coast and to the north of Behring Strait, continuously to a point between the 53rd and 54th degrees of latitude.

In Rossi's Atlas, published in Milan in 1820, on Map 6, the name *Costa nord-ouest* actually appears engraved on the face of the map, and runs from a point a little to the west of the head of Cook's Inlet on the continental land southward to about the 50th parallel, while on another map in the same atlas (No. 39) the words *Parte della Costa Nord-ouest dell' America* are shown extending along the land from the longitude of Kadiak southward to latitude 39°, or much further than in the first instance notwithstanding the restriction of the title.

In "Roquefeuil's Voyages," published in Paris in 1823, a map occurs, entitled "*Carte de la Côte Nord-ouest d'Amérique*," and this includes an extent of coast from latitude 34° 30′ northward and westward to the the mainland coast west of Kadiak Island.

Some years later, in 1844, on the elaborate map accompanying M. Duflot de Morfas' work, published in Paris in 1844, "*Côte Nord-ouest de l'Amérique*," is engraved running to seaward of that part of the coast which extends from latitude 60° to the entrance of the Strait of Fuca.

The above are all of the maps included in the list elsewhere given, upon or in connection with which the term *North-west Coast* or *North-west Coast of America*, or its equivalents, has been found. None of the maps published in the United States at about the dates specially referred to have been found to include it.

Mr. Blaine, in his despatch of the 17th December, 1890, specially refers to a map "published by the Geographical Institute at Weimar" in 1803, as showing the *Nörd West Kuste*, which is said to include "the coast from the Columbia River (49°) to Cape Elizabeth (60°)." It has so far
107 been impossible to consult this map, but the description given of it may doubtless be assumed as correct. It will be noted that the usage here found does not precisely agree with that on any of the above-cited maps, though most nearly to that of Duflot de Morfas.

Coming down, however, to much later times, numerous instances might be quoted showing that the term was not restricted to the limits contended for by Mr. Blaine, and that it has generally been used with the utmost laxity, even by those likely to be best informed on the subject. Witness the following:

"North-west Coast of America, United States Coast Survey, Benjamin Peirce, Superintendent, 1868," sheets 1 to 3. These include the coast continuously from the vicinity of the Strait of Fuca (sheet 1) to some distance west of Kadiak and Seven Islands (sheet 3), ending to the westward between the 157th and 158th meridians, and showing the eastern part of Bristol Bay.

Again, in the United States "Alaska. Pacific Coast Pilot," Part I, 1883, which was edited by Mr. W. H. Dall (a gentleman whose familiarity with all historical and geographical points connected with the west coast is well known), on p. 237, under "List of Charts issued by the United States Coast and Geodetic Survey—Sailing Charts—*North-west Coast of America*," is found catalogued "No. 4, Chirikoff Island to Nunivak." This particular chart is entered as "in preparation," but its title carries the term "north-west coast" up to or beyond latitude 60° *within* Behring Sea.

In Mr. Blaine's despatch of the 17th December, 1890, particular importance is, however, attached to a small and rather poorly engraved map which appears in Mr. H. H. Bancroft's works, vol. xxvii (1884), which is the first of two volumes named "History of the North-west Coast."

This map is entitled "Map of the North-west Coast," and is actually reproduced in fac-simile in the despatch. This map appears to be regarded as an argument conclusive in itself, and it is said of it, "The map will be found to include precisely the area which has been steadily maintained by this Government in the pending discussion."*

If Mr. Blaine had written "precisely that part of the west coast of America," he would have been more accurate, for of this coast the map in question actually includes from about latitude 40°, in the vicinity of Cape Mendocino, to the vicinity of that part of the coast where latitude 60° reaches the Pacific.

The *area* of the map is, however, a very different matter, as it stretches eastward so as to include Hudson Bay and Strait, Davis Strait, and the St. Lawrence River nearly to its mouth: in fact, almost the entire northern width of the North American Continent. We are fortunately, however, not obliged to criticize this point alone by the exigencies which determined the lines upon which this particular map was cut off by the draftsman—for it is evidently by its construction a reproduction of some part of a more inclusive map of the continent.

The text of the work to which it is an appendage explains the limits which the historian had placed himself under, and, at the same time, very clearly shows that he did not suppose the title of his work alone would render its scope clear to his readers. On the second page of the first volume, and in explaining the scope of his work, Mr. Bancroft writes: "The term north-west coast, *as defined for the purposes of this history*, includes the territory known in later times as Oregon, Washington, and British Columbia;" thus rendering it obvious that for convenience he embraced under that term certain parts of the west coast which subsequently shaped themselves into three distinct territorial divisions. As he had already treated of the history of California (vols. xviii and xix), this was excluded, and as he proposed to treat separately of Alaska (vol. xxxiii), this, also, was eliminated. As a matter of fact, however, he found it convenient to include in his map a greater extent of the coast than that above defined to the north and south, as we have already seen he did not scruple to do to the east. His map actually includes a considerable part both of the coast and the interior of Alaska in one direction, and of what is now the State of California in the other.

The difficulty incident to the attempt made on the part of the United States to attach a perfectly definite meaning to the term *North-west Coast* is further illustrated by

*Mr. Blaine does not appear to have noticed one curious circumstance connected with this "carefully prepared map." In the northern part of the map, each tenth degree of latitude is indicated, including 70°, 60°, and 50°, and, on the west coast the 40th parallel is also shown by a line correctly placed, to the south of Cape Mendocino. It is, however, indicated in the margin as latitude "42." On the opposite or eastern side of the map the line of latitude actually shown is latitude 42, and it is correctly so named. This peculiar mistake occurs both on the original and on the reproduction.

the varying definitions given in the Case of the United States itself, and in Mr. Blaine's despatch already cited.

Thus it will be noticed, for instance, that Mr. Blaine, in his despatch of the 17th December, 1890, defines the north-west coast as extending from 42° to 60° north latitude, and marks it as terminating to the north at the 141st meridian. But it is defined on p. 26 of the United States Case as extending from Prince William Sound to the mouth of the Columbia River, thus stretching beyond Mr. Blaine's northern terminal point by at least 150 miles, and falling short of his southern point by about 280 miles. Again, on p. 58 of the United States Case, as already quoted, the north-west coast is said to be limited to the west (at its northern end) by Yakutat Bay and Mount St. Elias, which, though indefinite to the amount of 50 miles or so, agrees more nearly with Mr. Blaine's first-quoted definition. The extension of the north-west coast to Prince William Sound does not, however, agree with the contention in regard to it held on p. 58.

H. R., Ex. Doc. No. 144, 51st Cong., 2nd Sess.

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108 *Notes on Maps examined, on which the term "North-west Coast of America" or its equivalent expressions are met with.*

N. B.—These notes include all the maps upon which the term has been found among those contained in the general note on maps elsewhere given.

1. "Voyages from Asia to America, for completing the Discoveries of the North-West Coast of America." S. Müller. English edition. London, 1761. 1761.

This contains A MAP OF THE DISCOVERIES MADE BY THE RUSSIANS ON THE NORTH-WEST COAST OF AMERICA.

Published by the Royal Academy of Sciences at St. Petersburgh, and republished in London by Thos. Jefferys.

This very early map (though geographically very imperfect), and the title of the work in which it is contained, show the sense of probably the original use of the term *north-west coast* which there extends northward to Behring Straits.

2. A NEW MAP OF THE NORTH-EAST COAST OF ASIA AND NORTH-WEST COAST OF AMERICA, WITH THE LATE RUSSIAN DISCOVERIES. In the "London Magazine," 1764. 1764.

This is practically a reduction of the last, and has a similar bearing on the question of the north-west coast.

3. "Cook's Third Voyage." Original 4to. edition. London, 1784. 1784.

This contains a Chart entitled, CHART OF THE N.-W. COAST OF AMERICA AND THE N.-E. COAST OF ASIA, &c., which includes the American coast from the point near which Cook first reached it, about 44° latitude, continuing to the termination of his explorations at Icy Cape, on the Arctic Ocean, to the north of Behring Strait.

4. "Troisième Voyage de Cook." Paris, 1785. 1785.

Contains CARTE DE LA CÔTE N.-O. DE L'AMÉRIQUE ET DE LA CÔTE N.-E. DE L'ASIE.

The name *north-west coast* is not engraved on the land of the map, but the map extends for the whole length of Cook's exploration, or to Icy Cape, in the Arctic Ocean.

1790. 5. A CHART OF THE NORTHERN PACIFIC OCEAN, CONTAINING THE N. E. COAST OF ASIA AND N. W. COAST OF AMERICA, EXPLORED IN 1778 AND 1779 BY CAPTAIN COOK, AND FURTHER EXPLORED IN 1788 AND 1789 BY JOHN MEARES. In "Meares' Voyage." 4to. edition. London, 1790.

(Includes coast from latitude 70° north of Behring Straits to south end of Peninsula of California.)

1790. 6. CHART OF THE N. W. COAST AMERICA AND N. E. COAST OF ASIA, EXPLORED IN THE YEARS 1778 AND 1779 BY CAPTAIN COOK, AND FURTHER EXPLORED IN THE YEARS 1788 AND 1789. In "Meares' Voyage." 4to. edition. London, 1790.

(Includes coast from Cape Lisburn, N. of Behring Strait, to about mouth of Columbia River.)

1798. 7. "A Voyage of Discovery to the North Pacific Ocean," &c. Vancouver. London, 1798.

Contains A CHART SHOWING PART OF THE COAST OF NORTH-WEST AMERICA.

This Chart includes the coast continuously from latitude 30° to beyond Kadiak Island.

According to the title this does not include the *whole* north-west coast.

1802. 8. MAP PUBLISHED BY THE QUARTERMASTER-GENERAL'S DEPARTMENT. Russia, 1802.

British Case, Appendix, vol. iv. This shows, in Russian characters running on the mainland, *Part of the North-west Coast of America*, extending from a point near the coast, and to the north of Behring Strait, continuously to a point between the 53rd and 54th degrees of latitude.

1802. 9. ATLAS PARA EL VIAGE DE LAS GOLETAS "SUTIL" Y "MEXICANA." Madrid, 1802.

Charts 1 to 3, contained in this work, entitled *La Costa N.O. de America*, include continuously from latitude 17° northward, and westward to Unalaska.

1819. 10. Burney. "A Chronological History of North-eastern Voyages of Discovery." London, 1819.

Chapter 19 is entitled "Captain Cook on the North-west Coast of America." This title is continued as a side-note to the pages throughout the chapter as far as p. 229, or from the point at which Cook first sighted the American coast, in latitude 44½°, to Unalaska, after which *west coast* is substituted for *north-west coast*. Burney was himself a member of Cook's expedition, and the use here made of the term shows clearly how he understood it to apply.

1820. 11. ROSSI'S ATLAS. Milan, 1820.

Map 6. THE WORLD, IN HEMISPHERES.

On this Map *Costa Nord-ouest* appears, the letters of this title extending from a little west to the head of Cook's Inlet along the land southward to the 50th parallel.

12. Map 39. CARTE DELLA PARTE DELLA COSTA NORD-OUEST DELL'AMERICA. The object of this map was chiefly to show Vancouver's recent surveys.

109 Upon it the word *Parte della Costa Nord-ouest dell'America* extends along the land from the longitude of Kadiak southward to latitude 39°.

The part of the coast actually included in the Map extends from latitude 30° northward and westward continuously to a point beyond Kadiak Island.

13. "Journal d'un Voyage autour du Monde, 1816–19." Roquefeuil. Paris, 1823. 1823.

Contains CARTE DE LA CÔTE NORD-OUEST D'AMÉRIQUE.

This Map, relating specially to the north-west coast, includes the coast continuously from latitude 34° 30′ to Kadiak Island and the adjacent mainland coast to the west of that island.

14. CARTE DE LA CÔTE DE L'AMÉRIQUE, par M. Duflot de Morfas. 1844. 1844.

On this map *Côte Nord-ouest de l'Amérique* is engraved, running to seaward of that part of the coast from about 60° to the Strait of Fuca.

15. NORTH-WEST COAST OF AMERICA. UNITED STATES COAST SURVEY. Benjamin Peirce, Superintendent. 1868.

Sheets 1 to 3. These include the coast continuously from the vicinity of the Strait of Fuca (sheet 1) to some distance west of Kadiak and Seven Islands (sheet 3), ending to the westward between the 157th and 158th meridians, and showing the eastern part of Bristol Bay.

16. In the "United States Pacific Coast Pilot." Alaska, Part I, 1883, p. 237. 1883.

"List of Charts issued by the United States Coast and Geodetic Survey," &c.

Under the title of SAILING CHARTS, NORTH-WEST COAST OF AMERICA, is found, No. 4. CHIRIKOFF ISLAND TO NUNIVAK. This particular Chart is entered as "in preparation," but its title carries the term "north-west coast" up to or beyond latitude 60°, *within* Behring Sea.

4.—ON THE DEPTH OF BEHRING SEA, AND ITS CONNECTION WITH THE BASIN OF THE PACIFIC.

It would appear that, in the geographical sketch contained in the United States Case, it is endeavoured to convey the idea that Behring Sea is marked off from other parts of the Pacific Ocean in being distinctively a shallow body of water. Thus we read:

> A peculiar feature of Bering Sea is the extensive bank of soundings which stretches off for 250 or more miles from the American coast, rendering the easterly portion of the sea very shallow.

And further:

> The Charts show that throughout one-third of the sea the depth of the water does not generally exceed 50 fathoms, and they also show that the average depth of the whole sea is very considerably less than that of the adjoining sea.

Here, again, the statement as made must be regarded as

essentially misleading, for while the north-eastern part of the sea is characterized by depths less than 100 fathoms, the western and south-western part is very deep. That part of the Pacific Ocean parallel and adjacent to the Kurile Islands is, in fact, one of the deepest oceanic valleys known, and has been named the "Tuscarora Deep," from soundings obtained by the United States vessel "Tuscarora" at a depth of over 4,600 fathoms, or about 5¼ miles. It appears from the configuration of the ocean bottom and the trend of the coast that this great depression actually extends into the western part of Behring Sea, which, as very few soundings have as yet been made in it, may considerably exceed the mean depth of the Pacific Ocean as a whole, stated generally as averaging about 2,500 fathoms.

"Encyclopædia Britannica," vol. xviii, p. 121.

Ibid., Plate III.

Ibid., p. 120.

The General Chart of Alaska published by the United States Coast Survey gives only a few soundings in the extreme easterly corner of the deep portion of Behring Sea, the greatest being 2,147 fathoms; the remaining deep portion is a blank on the Map. Vivien de St. Martin, on p. 498 of vol. iv of his "Dictionary," states that a sounding of 4,940 metres (2,700 fathoms) was obtained north of the Commander Islands; it is not shown on the Coast Survey Map. With the above facts in view, the actual average depth of Behring Sea must be considered to be as yet a matter of conjecture only. All that can be said at present, with the few soundings obtained, is that a considerable portion of Behring Sea, nearly one-half, is not inferior in depth to the main body of the ocean.

In respect to the great depth of a large part of its area, and the coalescence of this depression with the best-marked oceanic trough of the North Pacific, Behring Sea, in fact, stands in marked contrast with other seas subsidiary to and recognized as forming portions of the Pacific, such as Okhotsk Sea, Sea of Japan, Yellow Sea, and China Sea. It is wholly different from such a uniformly shallow sea as the North Sea or German Ocean, which, in so far as this single fact goes, might with greater reason be stated to be distinct from the Atlantic Ocean.

Ibid., Plate III.

The shallow character of the eastern portion of Behring Sea is, however, returned to on a later page of the Case of the United States, where it is stated that this—

United States Case, p. 19.

> prevents any icebergs from reaching the Pribyloff Islands.

Referring to the Charts, it is found that the greatest depth of Behring Strait is about 30 fathoms, and that in consequence no icebergs, properly so called, can enter Behring Sea, while any masses of ice which could pass the Straits would, according to the Charts, have ample depth of water to float all round the Pribyloff Islands.

110 The actual character of the ice found in Behring Sea appears from the following quotation:

Extract from "Report of Ice and Ice Movements in Bering Sea and the Arctic Basin," by Ensign Edward Simpson, U.S.N., 1890, pp. 7, 9.

> The ice in Behring Sea, although it is made up entirely of young ice every year, may be divided into two kinds, viz., that which forms in the late fall and early winter, and is telescoped and piled into heavy masses during the shifting gales; and, secondly, that which forms in the late winter and early spring in the spaces left by the old ice moving. This solid ice probably does not extend to the southward of St. Matthew Island, while the ice below it as far as the southern limit is made up of the newer ice and detached floes of well-broken ice.

111 FRENCH FISHERY DECREE AND LAW OF MAY 10, 1862, AND MARCH 1, 1888.

Decree of May 10, 1862.

No. 10311.—*Décret Impérial sur la Pêche Côtière, du 10 Mai, 1862.*

Napoléon, par la grâce de Dieu et la volonté nationale, Empereur des Français, à tous présents et à venir, salut.

Vu la Loi du 9 Janvier, 1852,* sur la pêche côtière;

Vu les Décrets des 4 Juillet, 1853,† et 19 Novembre, 1859;‡

Vu l'avis de la Commission Permanente des Pêches et de la Domanialité Maritimes;

Sur le rapport de notre Ministre Secrétaire d'État au Département de la Marine et des Colonies;

Le Conseil d'Amirauté entendu,

Avons décrété et décrétons ce qui suit:

Artice 1er. La Pêche de tous poissons, crustacés, et coquillages, autres que les huîtres, est libre pendant toute l'année à une distance de 3 milles au large de la laisse de basse mer.

La pêche des huîtres est libre du 1er Septembre au 30 Avril, sur les bancs hors baies ou situés à 3 milles des côtes, avec tous bateaux pontés ou non pontés, sans tonnage déterminé.

Les pêcheurs sont tenus d'observer, dans les mers situées entre les côtes de France et celles du Royaume-Uni de la Grande-Bretagne et d'Irlande, les prescriptions de la Convention du 2 Août, 1839,§ et du Règlement International du 23 Juin, 1843.

Art. 2. Sur la demande des prud'hommes des pêcheurs, de leurs délégués et, à défaut, des syndics des gens de mer, certaines pêches peuvent être temporairement interdites sur une étendue de mer au delà de 3 milles du littoral, si cette mesure est commandée par l'intérêt de la conservation des fonds ou de la pêche de poissons de passage.

L'Arrêté d'interdiction est pris par le Préfet Maritime.

Art. 3. En dedans de 3 milles des côtes, la pêche des poissons, crustacées, et coquillages, autres que les huîtres, est permise toute l'année, de jour et de nuit, sous les conditions ci-après:

(1.) Les filets fixes à simple, double ou triple nappe,‖ et les filets à poche auront des mailles d'au moins 25 millim. en carré.

Les marins peuvent en faire usage en bateau ou autrement.

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* 10e série, Bull. 483, No. 3561.

† 11e série, partie supplémentaire, Bull. 35, No. 623.

‡ 11e série, partie supplémentaire, Bull. 617, No. 9222.

§ 9e série, Bull. 676, No. 8158.

‖ Les filets fixes sont ceux qui, tenus au fond, au moyen de piquets ou de poids, ne changent pas de position une fois calés.

(2.) Les filets flottants* ne sont assujettis à aucune dimension de maille.

Sont assimilés aux filets flottants, les filets fixes dont la ralingue inférieure est élevée de manière à laisser toujours un intervalle de 20 centim. au moins entièrement libre au-dessus de la dite ralingue.

(3.) La grande seine à jet aura des mailles de 25 millim. en carré.

Les dimensions des mailles des filets employés dans la Méditerranée restent fixées telles qu'elles l'ont été par le Décret du 19 Novembre, 1859, lorsque ces dimensions sont inférieures à celles prescrites par le présent Décret.

Art. 4. Tous les filets, engins, et instruments destinés à des pêches spéciales, telles que celles des anguilles, du nonat, des soclets, chevrettes, lançons et poissons de petites espèces, ne sont assujettis à aucune condition de forme, de dimension, de poids, de distance ou d'époque.

L'emploi en est déclaré aux agents maritimes.

Ils ne peuvent servir qu'aux genres de pêches auxquels ils sont destinés et pour lesquels ils ont été déclarés.

S'ils sont employés autrement, ils seront considérés comme prohibés.

L'usage des foënes, hameçons, et dragues à coquillages n'est assujetti qu'aux mesures d'ordre et de police.

Les seines et filets destinés à la pêche des éperlands et des mulets sont, s'il y a lieu, réglementés par les Préfets Maritimes.

Art. 5. Continuent à être prohibés les guideaux, gords, et autres filets à poche, dans les fleuves, rivières, et canaux et à leurs embouchures.

Art. 6. L'usage des filets traînants† pour la pêche de toutes
112 espèces de poissons peut être, sur la proposition des Préfets Maritimes, autorisés par des Arrêtés de notre Ministre de la Marine et des Colonies, à moins de 3 milles de la côte, dans les localités où, soit à raison de la profondeur des eaux, soit pour toute autre cause, il ne présente aucun inconvénient.

Ces filets doivent avoir des mailles d'au moins 25 millim. en carré.

Dans aucun cas, il n'est fait usage de filets traînants à moins de 500 mètres des huîtrières.

Art. 7. Toute espèce de pêche, par quelque procédé que ce soit, à moins de 3 milles de la côte peut, sur une étendue déterminée du littoral, être temporairement interdite lorsque l'interdiction est reconnue nécessaire pour sauvegarder, soit la reproduction des espèces, soit la conservation du frai et du fretin.

L'interdiction est prononcée par un Décret Impérial, rendu sur la proposition de notre Ministre de la Marine et des Colonies.

Art. 8. Les Préfets Maritimes fixent par des Arrêtés les époques d'ouverture et de clôture de la pêche des huîtres sur les bancs dans l'intérieur des baies et sur ceux situés à moins de 3 milles de la côte.

Ils déterminent les huîtrières qui seront mises en exploitation.

Cette pêche est interdite avant le lever et après le coucher du soleil.

A moins d'exception ordonnée par le Préfet Maritime, dans l'intérêt du nettoyage des bancs d'huîtres, les pêcheurs doivent immédiatement rejeter à la mer les poussiers, sables, graviers, et fragments d'écailles, ainsi que les petites huîtres au-dessous des dimensions réglementaires.

Toutefois, dans les localités où il existe des étalages ou autres établissements propres à recevoir les petites huîtres, ces dernières peuvent y être déposées au lieu d'être rejetées sur le fonds.

* Les filets flottants sont ceux qui vont au gré du vent, du courant, de la lame ou à la remorque d'un bateau sans jamais s'arrêter au fond.

† Les filets traînants sont ceux qui, coulés au fond, au moyen de poids placés à la partie inférieure, y sont promenés sous l'action d'une force quelconque.

Art. 9. Des fossés et réservoirs à poissons peuvent, après autorisation, être établis sur les propriétés privées recevant l'eau de la mer.

Les Arrêtés d'Autorisation rendus par notre Ministre de la Marine et des Colonies déterminent, suivant la disposition et l'étendue des lieux, les conditions d'exploitation de ces réservoirs.

Sont permis, en se conformant aux Règlements, les dépôts d'huîtres, de moules, et de coquillages dans les propriétés privées.

Art. 10. A l'avenir, il ne sera établi aucune pêcherie à poissons, soit sur le domaine maritime, soit sur une propriété privée.

Les détenteurs de pêcheries actuellement existantes seront tenus, lorsqu'ils en seront requis et dans les délais ultérieurement déterminés, de justifier de leurs titres de propriété ou des actes d'autorisation.

Art. 11. Il est défendu de pêcher, de faire pêcher, de saler, d'acheter, de vendre, de transporter, et d'employer à un usage quelconque:

1. Les poissons qui ne sont pas encore parvenus à la longueur de 10 centim., mesurée de l'œil à la naissance de la queue, à moins qu'ils ne soient réputés poissons de passage ou qu'ils n'appartiennent à une espèce qui, à l'âge adulte, reste au-dessous de cette dimension.

2. Les homards et langoustes au-dessous de 20 centim. de l'œil à la naissance de la queue.

3. Les huîtres au-dessous de 5 centim.

Art. 12. Les Préfets Maritimes déterminent par des Arrêtés toutes les mesures de police, d'ordre, et de précaution propres à empêcher tous accidents, dommages, avaries, collisions, &c., et à garantir aux marins le libre exercice de la pêche.

Art. 13. Tous les Arrêtés rendus par les Préfets Maritimes en matière de pêche côtière sont soumis à l'approbation de notre Ministre de la Marine et des Colonies.

Art. 14. Sont et demeurent rapportées les dispositions des Décrets et Règlements antérieurs qui son contraires au présent Décret.

Fait au Palais des Tuileries, le 10 Mai, 1862.

(Signé) NAPOLÉON.

Par l'Empereur:

Le Ministre Secrétaire d'État, de la Marine, et des Colonies,

(Signé) Comte P. DE CHASSELOUP-LAUBAT.

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113 LAW OF MARCH 1, 1888.*

RÉPUBLIQUE FRANÇAISE.

No. 19032.—*Loi ayant pour objet d'interdire la Pêche aux Étrangers dans les Eaux Territoriales de France et d'Algérie, du 1er Mars, 1888.*

(Promulguée au "Journal Officiel" du 2 Mars, 1888.)

Le Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit:

Article 1er. La pêche est interdite aux bateaux étrangers dans les eaux territoriales de la France et de l'Algérie, en deçà d'une limite qui est fixée à 3 milles marins au large de la laisse de basse mer.

Pour les baies, le rayon de 3 milles est mesuré à partir d'une ligne droite tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excède pas 10 milles. Dans

* Bulletin des Lois de la République Française, No. 1153.

chacun des arrondissements maritimes, et pour l'Algérie, les Décrets déterminent la ligne à partir de laquelle cette limite est comptée.

Art. 2. Si le patron d'un bateau étranger ou les hommes de son équipage sont trouvés jetant des filets dans la partie réservée des eaux territoriales Françaises ou y exerçant la pêche d'une façon quelconque, le patron est puni d'une amende de 16 fr. au moins et de 250 fr. au plus.

Art. 3. La peine de l'amende prévue à l'Article précédent peut être portée au double en cas de récidive. Il y a récidive lorsque, dans les deux années précédentes, il a été rendu contre le contrevenant un jugement pour infraction à la présente Loi.

Art. 4. Les officiers et officiers mariniers commandant les bâtiments de l'État ou les embarcations garde-pêche, et tous officiers et agents commis à la police des pêches maritimes constatent les contraventions, en dressent procès-verbal et conduisent ou font conduire le contrevenant et le bateau dans le port Français le plus rapproché.

Ils remettent leurs Rapports, procès-verbaux, et toutes pièces constatant les contraventions à l'officier du Commissariat chargé de l'inscription maritime.

Art. 5. Les procès-verbaux doivent être signés et, sous peine de nullité, affirmés dans les trois jours de leur clôture, par-devant le Juge de Paix du canton ou l'un de ses suppléants, ou par-devant le Maire ou l'Adjoint, soit de la commune de la résidence de l'agent qui a dressé le procès-verbal, soit de celle où le bateau a été conduit. Toutefois les procès-verbaux dressés par les officiers du Commissariat de la marine chargés de l'inscription maritime, par les officiers et officiers mariniers commandant les bâtiments de l'État ou les embarcations garde-pêche, et par les inspecteurs des pêches maritimes ne sont pas soummis à l'affirmation.

Dans tous les cas, les procès-verbaux doivent, sous peine de nullité, être enregistrés dans les quatre jours qui suivront celui de l'affirmation ou celui de la clôture du procès-verbal, s'il n'est pas soumis à l'affirmation. L'enregistrement est fait en débet.

Art. 6. L'officier ou agent qui a conduit ou fait conduire le bateau dans un port Français le consigne entre les mains du service de l'inscription maritime, qui saisit les engins de pêche et les produits de la pêche trouvés à bord, quel qu'en soit le propriétaire. Les produits de la pêche sont vendus, sans délai, dans le port où le bateau a été conduit, et dans les formes prescrites par l'Article 42 de la Loi du 15 Avril, 1829. Le prix en est consigné à la caisse des gens de mer jusqu'à l'issue du Jugement.

Indépendamment de l'amende prévue dans les Articles 2 et 3, le Tribunal ordonne la destruction des engins prohibés et, s'il y a lieu, la confiscation des engins non prohibés et des produits de la pêche saisis sur le bateau ou de leur prix. Les engins non prohibés sont vendus.

Le produit de cette vente, ainsi que de celle des produits de la pêche, et le montant des amendes, sont intégralement versés dans la caisse des invalides de la marine.

Art. 7. Les poursuites ont lieu à la diligence du Procureur de la République ou des officiers du Commissariat chargés de l'inscription maritime.

Ces officiers ont, dans ce cas, le droit d'exposer l'affaire devant le Tribunal et d'être entendus à l'appui de leurs conclusions.

Si les poursuites n'ont pas été intentées dans les trois mois qui suivent le jour où la contravention a été commise, l'action publique est prescrite.

114 Art. 8. Les poursuites sont portées devant le Tribunal de Police Correctionnelle dans le ressort duquel est situé le port où les

contrevenants ont été conduits. Le Tribunal statue dans le plus bref délai possible.

Art. 9. Les procès-verbaux des officiers ou agents chargés de constater les contraventions, comme il est dit à l'Article 6, font foi jusqu'à inscription de faux.

A défaut de procès-verbaux, la contravention peut être prouvée par témoins.

Art. 10. Si le condamné n'acquitte pas l'amende et les frais, le bateau est retenu jusqu'à entier payement ou pendant un laps de temps qui ne peut dépasser trois mois pour la première contravention et six mois en cas de récidive.

Si le condamné interjette appel ou fait opposition, il peut se pourvoir devant le Tribunal pour obtenir la libre sortie du bateau, en consignant le montant de la condamnation et de tous les frais.

Art. 11. La présente Loi ne porte pas atteinte à la libre circulation reconnue aux bateaux de pêche étrangers naviguant ou mouillant dans la partie réservée des eaux territoriales Françaises.

Un décret rendu dans la forme des Règlements d'Administration Publique déterminera les règles spéciales de police auxquelles, dans ce cas, les bateaux de pêche devront se conformer. Les infractions à ce Règlement sont constatées et poursuivies dans les formes prévues par la présente Loi; elles sont punies d'une amende de 16 fr. au moins et de 100 fr. au plus, sans préjudice de la retenue du bateau.

Art. 12. Il n'est pas dérogé aux dispositions des Conventions Internationales et des Lois qui s'y réfèrent.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme loi de l'État.

Fait à Paris, le 1er Mars, 1888.

(Signé) CARNOT.

Le Ministre des Affaires Étrangères,
(Signé) FLOURENS.

Le Garde des Sceaux, Ministre de la Justice,
(Signé) A. FALLIÈRES.

Le Ministre de la Marine et des Colonies,
(Signé) KRANTZ.

115 TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION BETWEEN HER MAJESTY AND THE UNITED STATES OF MEXICO.

Signed at Mexico, November 27, 1888.—[Ratifications exchanged at Mexico, February 11, 1889.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the United States of Mexico, being desirous of maintaining and strengthening friendly relations, and of promoting commercial intercourse between the dominions of Her Britannic Majesty and the territories of the Mexican Republic, have resolved to conclude a Treaty of Friendship, Commerce, and Navigation, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Spenser St. John, Knight Commander of St. Michael and St. George, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty in Mexico;

And his Excellency the President of the United States of Mexico, Señor Senador Don Emilio Velasco, ex-Minister Plenipotentiary of Mexico in France, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I.

There shall be perfect peace and sincere friendship between the United Kingdom of Great Britain

Su Excelencia el Presidente de los Estados Unidos Mexicanos y Su Majestad la Beina del Reino de la Gran Bretaña é Irlanda, deseosos de conservar y vigorizar relaciones amistosas y de promover el tráfico comercial entre los territorios de la República Mexicana y los dominios de Su Majestad Británica, han resuelto celebrar un Tratado de Amistad, Comercio, y Navegacion, y han nombrado sus Plenipotenciarios, á saber:

Su Excelencia el Presidente de los Estados Unidos Mexicanos al Señor Senador Don Emilio Velasco, ex-Ministro Plenipotenciario de México en Francia, &c., &c., &c.;

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda á Sir Spenser St. John, Caballero Comendador de San Miguel y San Jorge, Enviado Extaordinario y Ministro Plenipotonciario de Su Majestad Británica en México;

Los cuales, despues de haberse comunicado sus respectivos plenos poderes, encontrándolos en buena y debida forma, han convenido en los Artículos siguientes:

ARTICULO I.

Habrá perfecta paz y sincera amistad entre la República Mexicana y el Reino Unido de la Gran

and Ireland and the United States of Mexico. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II.

The Contracting Parties agree that, in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately and unconditionally to the subjects or citizens of
116 the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE III.

The produce and manufactures of the dominions and possessions of Her Britannic Majesty which are imported into the United States of Mexico, and the produce and manufactures of Mexico which are imported into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and, in particular, shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods of any third country the most favoured in this respect. No other or higher duties shall be levied in Mexico on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty on the exportation of any goods to Mexico, than may be levied on the exportation of the like goods to any

Bretaña é Irlanda. Las Altas Partes Contratantes harán los mayores esfuerzos para que esta amistad y buena armonía se mantengan constante y perpétuamente.

ARTICULO II.

Las Partes Contratantes convienen en que, en todo lo relativo á comercio y navegacion, cualquier privilegio, favor ó inmunidad, sea cual fuere, que alguna de las Partes Contratantes tenga concedidos en la actualidad ó concediere en lo sucesivo á los súbditos ó ciudadanos de cualquiera otro Estado, se extenderán inmediata é incondicionalmente á los súbditos ó ciudadanos de la otra Parte Contratante, siendo su intencion que el comercio y navegacion de cada país sean colocados por el otro, en todo respecto, sobre la base de la nacion mas favorecida.

ARTICULO III.

Los productos y manufacturas de la República Mexicana que se importen en los dominios y posesiones de Su Majestad Británica, y los productos y manufacturas de los dominios y posesiones de Su Majestad Británica que se importen en la República Mexicana, sea para el consumo, almacenaje, reexportacion ó tránsito, serán considerados del mismo modo, y particularmente no estarán sujetos á otros ni mas altos derechos, ya generales, municipales, o locales, que los productos, manufacturas y mercancias de una tercera nacion que sea mas favorecida á este respecto. No se impondrán otros ni mas altos derechos en los dominios y posesiones de Su Majestad Británica á la exportacion de cualesquiera mercancias para la República Mexicana, ó en la República Mexicana á la exportacion de cualesquiera mercancias para los dominios y posesiones de Su Majestad Británica, que los que se impongan á

third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, re-exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs formalities, brokerage, patterns, or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Mexico, and Mexican citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

In the event of any changes being made in Mexican laws, Customs Tariff or Regulations, sufficient notice shall be given, in order to enable British subjects to make the necessary arrangements for meeting them.

The Mexican authorities shall, moreover, deal equitably with all cases arising from unintentional ignorance of any of the changes above mentioned.

ARTICLE IV.

British ships and their cargoes shall, in Mexico, and Mexican vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as ships and cargoes of the most favoured nation.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and, generally, to all matters connected with navigation.

la exportacion de iguales mercancias para un tercer país que sea mas favorecido á este respecto.

Ninguna de las Partes Contratantes establecerá, respecto de la otra, prohibiciones de importacion, exportacion, re-exportacion, o tránsito que no sean aplicables, en iguales circunstancias, á un tercer país que sea mas favorecido á este respecto.

Igualemente, en todo lo que se refiere á derechos locales, aduanas, formalidades, corretajes, modelos, ó muestras introducidos por agentes viajeros, y todo lo demas relativo á comercio, los ciudadanos Mexicanos en los dominios y posesiones de Su Majestad Británica, y los súbditos Británicos en la República Mexicana, gozarán del tratamiento de la nacion mas favorecida.

En caso de hacerse algunas alteraciones en las leyes Mexicanas, aranceles ó reglamentos de Aduanas, se concederá un plazo suficiente para que los súbditos Británicos cumplan con ellos.

Las autoridades Mexicanas, ademas, tratarán con equidad todos los casos originados de ignorancia inculpable de alguna de las alteraciones antes mencionadas.

ARTICULO IV.

Los buques Mexicanos y sus cargamentos en los dominios y posesiones de Su Majestad Británica, y los buques Ingleses y sus cargamentos en la República Mexicana, cualquiera que sea el lugar de su procedencia, y cualquiera que sea el lugar de origen ó destino de sus cargamentos, serán tratados, en todo respecto, como los buques y cargamentos de la nacion mas favorecida.

La estipulacion precedente se aplica al tratamiento local, derechos y cargas en los puertos, fondeaderos, diques, radas, bahias y rios de ambos países, practicaje, y, en general, á todo lo relativo á navegacion.

Every favour or exemption in these respects, or any other privilege in matters of navigation, which either of the Contracting Parties shall grant to a third Power, shall be extended immediately and unconditionally to the other Party.

117 All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of Mexico, are to be deemed Mexican vessels, shall, for the purposes of this Treaty, be respectively deemed British or Mexican vessels.

For the same purpose shall be considered as ports of each of the Contracting Parties those which are, or hereafter may be, declared open by the respective Governments for import or export trade.

The two Contracting Parties agree to consider, as a limit of their territorial waters on their respective coasts, the distance of 3 marine leagues reckoned from the line of low-water mark. Nevertheless, this stipulation shall have no effect, excepting in what may relate to the observance and application of the Custom-house Regulations and the measures for preventing smuggling, and cannot be extended to other questions of civil or criminal jurisdiction, or of international maritime law.

Todo favor ó extencion á este respecto, ó cualquiera privilegio en materia de navegacion, que una de las Partes Contratantes conceda á una tercera Potencia, se extenderá inmediata é incondicionalmente á la otra Potencia.

Todos los buques que, conforme á las leyes Mexicanas, se consideren Mexicanos, y todos los buques que, conforme á las leyes Británicas, se consideren Británicos, se considerarán respectivamente Mexicanos ó Británicos para los efectos de este Tratado.

Para los mismos efectos se deberán entender por puertos de cada una de las Partes Contratantes aquellos que estan ó en adelante estuvieren habilitados por los Gobiernos respectivos para el comercio de importacion ó exportacion.

Las dos Partes Contratantes convienen en considerar como límite del mar territorial en sus costas respectivas, la distancia de 3 leguas maritimas contadas desde la línea de la marea baja. Sin embargo, esta estipulacion no tendrá efecto, sino en lo relativo á la vigilancia y aplicacion de los Reglamentos Aduanales y de las medidas para evitar el contrabando, y no podrá extenderse á otras cuestiones de juridiccion civil ó criminal ó de derecho internacional marítimo.

Article V.

The subjects or citizens of each of the Contracting Parties shall be permitted to reside, permanently or temporarily, in the dominions or possessions of the other, and to occupy and hire houses and warehouses for purposes of commerce, whether wholesale or retail. They shall also be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of every description of property, movable and immovable, as far as the laws of each country will permit. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange,

Articulo V.

Los ciudadanos ó súbditos de cada una de las Partes Contratantes podrán residir permanente ó temporalmente en los dominios ó posesiones de la otra; ocupar y arrendar casas y almacenes para el ejercicio del comercio, ya por mayor ó al menudeo. Tendrán tambien plena libertad en el ejercicio de derechos civiles, y por consiguiente para adquirir, poseer y disponer de toda clase de propiedades meubles é inmeubles en cuanto lo permitan las leyes de cada país. Pueden adquirirlas y trasmitirlas á otros por compra, venta, donacion, permuta, matri-

marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heirs and legal representatives may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country.

In every case, the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof, if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

The citizens or subjects of each one of the contracting parties, who may be residing, temporarily or permanently, in the dominions and possessions of the other, are subject to the laws of the country where they reside, especially to those which determine the rights and obligations of foreigners, on the same conditions as those of the citizens or subjects of the most favoured nation.

ARTICLE VI.

The dwellings, manufactories, warehouses, and shops of the subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto, destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for natives of the country.

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monio, testamento, sucesion intestada y de cualquiera otro modo, bajo las mismas condiciones que los naturales del país. Sus herederos y representantes legales pueden suceder en ellas y tomar posesion de las mismas, ya personalmente ó por procurador, del mismo modo y con las mismas formas legales que los naturales del país.

En ninguno de estos casos pagarán sobre el valor de dicha propiedad otros ni mas altos impuestos, derechos ó cargas que los que se paguen por los naturales del país.

En todo caso se permitirá á los súbditos ó ciudadanos de las Partes Contratantes exportar su propiedad, ó los productos de la misma, si hubiere sido vendida, libremente y sin estar sujetos en la exportacion á pagar derechos diferentes de aquellos á los cuales están sometidos en circunstancias análogas los naturales del país.

Los ciudadanos ó súbditos de cada una de las Partes Contratantes que residan temporal ó permanentemente en los dominios y posesiones de la otra estan sujetos á las leyes del país de su residencia, especialmente las que fijan los derechos y obligaciones de los extranjeros, en los mismos terminos en que lo estén los ciudadanos ó súbditos de la nacion mas favorcida.

ARTICULO VI.

Serán respetadas las habitaciones, fábricas, almacenes y tiendas de los ciudadanos ó súbditos de cada una de las Partes Contratantes en los dominios y posesiones de la otra, y todas las localidades que les sean anexas destinadas á habitacion ó comercio.

No se permitirá hacer cateos ó visitas domiciliarias en estas habitaciones y sus dependencias, ó examinar ó inspeccionar los libros, papeles, ó cuentas, excepto bajo las condiciones y con las formas prescritas por las leyes para los naturales del país.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on natives of the country, and shall, like them, be at liberty to employ, in all causes, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

Los ciudadanos ó súbditos de cada una de las dos Partes Contratantes en los dominios y posesiones de la otra tendrán libre acceso en los Tribunales para hacer valer y defender sus derechos sin otras condiciones, restricciones, ó contribuciones que las impuestas á los naturales del país, y, como estos, tendrán libertad para emplear en sus litigios los abogados, procuradores, ó agentes de entre las personas admitidas al ejercicio de estas profesiones, conforme á las leyes del país.

Article VII.

The subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from all compulsory military service whatever, whether in the army, navy, or national guard, or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for personal service, and, finally, from forced loans, and from charges, requisitions, and war contributions, unless imposed on real property, when they shall pay them equally with nationals.

Articulo VII.

Los ciudadanos ó súbditos de cada una de las Partes Contratantes en los dominios y posesiones de la otra estarán exentos de todo servicio militar forzoso, ya en el ejército, la marina, ó la guardia nacional ó milicia. Tambien estarán exentos de toda contribucion, sea pecuniaria ó en especie, impuesta en compensacion de servicios personales, y finalmente, de préstamos forzosos y de cargas, requisas y contribuciones de guerra, á ménos que sean impuesta sobre la propiedad inmeuble, en cuyo caso la pagarán en iguales términos que los nacionales.

Article VIII.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as the subjects or citizens of the most favoured nation.

In like manner the subjects or citizens of each Contracting Party shall enjoy in the dominions and possessions of the other full liberty of conscience, and shall not be molested on account of their religious belief.

Articulo VIII.

Los ciudadanos ó súbditos de cada una de las Partes Contratantes residentes en los dominios y posesiones de la otra gozorán, en sus casas, personas y propiedades, de la proteccion del Gobierno, tan completa y amplia como los ciudadanos ó súbditos de la nacion mas favorecida.

Igualmente los ciudadanos ó súbditos de cada una de las Partes Contratantes gozarán en los dominios y posesiones de la otra plena libertad de conciencia, y no serán molestados por razon de sus creencias religiosas.

ARTICLE IX.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICULO IX.

Los ciudadanos ó súbditos de cada una de las Partes Contratantes tendrán, en los dominios y posesiones de la otra, los mismos derechos que los nacionales, ó que los súbditos ó ciudadanos de la nacion mas favorecida, respecto á patentes de invencion, marcas de fábrica y dibujos para objetos industriales, siempre que cumplan las formalidades prescritas por la ley.

ARTICLE X.

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power, each one of them reserving the right of excepting those places where it may not appear convenient to admit them whenever this exception is extended to the Consular functionaries of all other nations.

Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities
119 are, or may hereafter be, granted there to Consular officers of the most favoured nation.

The archives and official papers of Consular functionaries shall be respected as inviolable, without the authorities of the country being able, on any account, to seize them, or take note of their contents.

ARTICULO X.

Cada una de las Partes Contratantes puede nombrar Cónsules-Generales, Cónsules, Vice-Cónsules, Pro-Cónsules, y Agentes Consulares para residir respectivamente en las ciudades ó puertos situados en los dominios y posesiones de la otra Potencia, reservándose cada una de ellas el derecho de exceptuar los lugares donde no le parezca conveniente admitirlos, siempre que esta excepcion se extienda á los funcionarios Consulares de todas las demas naciones.

Estos funcionarios Consulares, sin embargo, no entrarán en el ejercicio de sus funciones hasta despues de haber sido aprobados y admitidos en la forma usual por el Gobierno al cual han sido enviados. Ejercerán las funciones, y gozarán de los privilegios, exenciones, e inmunidades, cualesquiera que sean, concedidos ó que se concedan en lo sucesivo á los funcionarios Consulares de la nacion mas favorecida.

Los archivos y papeles oficiales de los funcionarios Consulares serán respetados como inviolables, sin que por ningun motivo puedan las autoridades del país embargarlos ni tomar conocimiento de ellos.

ARTICLE XI.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties,

ARTICULO XI.

Los Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares de cada una de las

residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

ARTICLE XII.

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in the port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground, or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them within the periods fixed by the laws of the country; and such owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of customs

Partes Contratantes, residentes en los dominios y posesiones de la otra, recibirán de las autoridades locales el auxilio que por la ley se les puede dar para recobrar los desertores de los buques de sus países respectivos.

ARTICULO XII.

Todo buque de guerra ó mercante de una de las Partes Contratantes que esté obligado, á causa de mal tiempo ó de accidente, á refugiarse en un puerto de la otra, estará en libertad para repararse allí, procurarse las provisiones necesarias y continuar su viaje sin pagar otros derechos que los que en casos semejantes se pagarían por un buque nacional. En caso, sin embargo, de que el capitan de un buque mercante tuviere necesidad de disponer de una parte de sus mercancías para cubrir sus gastos, estará obligado á conformarse con los Reglamentos y Tarifas del lugar á que haya llegado.

Si un buque de guerra ó un buque mercante de una de las Partes Contratantes encalla ó naufraga en el territorio de la otra, este buque y todas sus partes, su aparejo y pertenencias, todos los efectos y mercancías salvados de él, inclusos los echados fuera del buque, ó sus productos si le han vendido, así como los papeles encontrados á bordo del buque encallado ó naufrago, serán entregados á los propietarios ó sus agentes, al ser reclamados por ellos en el término fijado por las leyes del país; y estos propietarios ó agentes pagarán solamente los gastos que se hayan causado en la conservacion de la propiedad, así como el salvamento ú otros gastos que un buque nacional pagaría en igual caso de naufragio.

Los efectos y mercancías salvados del naufragio estarán exentos de todos los derechos de aduanas,

unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-Generals, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

á menos que se destinen al consumo interior, en cuyo caso pagará los mismos derechos que si hubiesen sido importados en un buque nacional.

En el caso de que por razon de mal tiempo un buque se refugiare en un puerto ó encallare ó naufragare, los Cónsules-Generales, Cónsules, Vice-Cónsules, y Agentes Consulares, si el propietario ó capitan ú otro agente del propietario no están presentes, ó si estan presentes y lo pidieren, estarán autorizados para intervenir á fin de impartir los auxilios necesarios á sus compatriotas.

Article XIII.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the United States of Mexico, it is agreed that, if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the
120 said Contracting Parties who may be residing in the dominions or territories of the other, or who may be established there, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals, or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrange-

Articulo XIII.

Para mayor seguridad del comercio entre los ciudadanos de los Estados Unidos Mexicanos y los súbditos de Su Majestad Británica, se conviene que, si desgraciadamente en algun tiempo se interrumpieren las relaciones amistosas ú ocurriese alguna ruptura entre ambas Partes Contratantes, los ciudadanos ó súbditos de una de las dos Partes Contratantes que residan en los dominios ó territorios de la otra, ó que allí estén establecidos ejerciendo el comercio ó empleados en otra ocupacion, tendrán el derecho de permanecer y de continuar en su comercio ú ocupacion, sin interrupcion alguna, con el pleno goce de su libertad y propiedad, miéntras se conduzcan pacíficamente y no contravengan las leyes; y sus bienes, propiedades, y efectos, de cualquiera clase que sean, ya estén en su poder ó confiados á particulares ó al Estado, no estarán sujetos á embargo ó secuestro, ni á otras cargas ú obligaciones que las que se impongan en bienes, propiedades y efectos análogos pertenecientes á los nacionales. Sin embargo, si prefiriesen salir del país, se les permitirá hacer los arreglos convenientes para la seguridad de sus bienes, propiedades, y efectos, ó para disponer de ellos y para liquidar sus cuentas; y se

ments for the safe keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe-conduct shall be given them to embark at the ports which they shall themselves select.

les dará un salvo-conducto para que se embarquen en los puertos que elijan.

Article XIV.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.
New South Wales.
Victoria.
South Australia.
Western Australia.
Queensland.
Tasmania.
New Zealand.
The Cape.
Natal.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in Mexico to the Mexican Minister for Foreign Affairs within two years from the date of the exchange of the ratifications of the present Treaty.

Articulo XIV.

Las estipulaciones del presente Tratado serán aplicables á todas las Colonias y posesiones extranjeras de Su Majestad Británica, en cuanto lo permitan las leyes, exceptuando las que en seguida se designan, es decir, excepto—

La India.
El Dominio de Canadá.
Terranova.
Nueva Gales del Sur.
Victoria.
Australia Meridional.
Australia Occidental.
Queensland.
Tasmania.
Nueva Zelanda.
El Cabo.
Natal.

Sin embargo, las estipulaciones del presente Tratado serán aplicables á cualquiera de las expresadas Colonias ó posesiones extranjeras en cuyo favor se dé noticia para este efecto por el Representante de Su Majestad Británica en México al Secretario de Relaciones Exteriores de la República Mexicana, dentro de dos años contados de la fecha del canje de las ratificaciones del presente Tratado.

Article XV.

Any controversies which may arise respecting the interpretation or the execution of the present Treaty, or the consequences of any violation thereof, shall be submitted when the means of settling them directly by amicable agreement are exhausted, to the decision of Commissions of Arbitration, and the result of such arbitration shall be binding upon both Governments.

Articulo XV.

Las controversias que se susciten sobre la interpretacion ó ejecucion del presente Tratado, ó sobre las consecuencias de alguna violacion de él, se somterán, cuando se agoten los medios de arreglo directo por convenios amistosos, á la decision de Comisiones de Arbitraje, y el resultado de este arbitraje será obligatorio para ambos Gobiernos.

The members of such Commissions shall be selected by the two Governments by common consent, failing which, each of the Parties shall nominate an Arbitrator, or an equal number of Arbitrators, and the Arbitrators thus appointed shall select an umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the Commission of Arbitration shall be itself entitled to determine it beforehand.

Los miembros de estas Comisiones serán nombrados de comun consentimiento por los dos Gobiernos; y no estando de acuerdo, cada una de las Partes nombrará un Arbitro, ó un número igual de Arbitros, y los Arbitros así nombrados designarán un tercero para el caso de discordia.

Las Partes Contratantes determinarán en cada caso el procedimiento del abitraje, y no estando de acuerdo, la Comision de Arbiraje estará facultada para determinarlo de antemano.

121 ARTICLE XVI.

The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications; and in case neither of the two Contracting Parties shall have given notice, twelve months before the expiration of the said period of ten years, of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

ARTICULO XVI.

El presente Tratado durará diez años, contados desde el dia del canje de las ratificaciones, y en caso de que ninguna de las dos Partes Contratantes haya dado noticia, doce meses ántes de la espiracion de dicho período de diez años, de su intencion de terminar el presente Tratado, continuará en vigor hasta la terminacion de un año contado desde el dia en que una de las Partes Contratantes dé esta noticia á la ortra.

ARTICLE XVII.

The present Treaty shall be ratified by Her Majesty the Queen of Great Britain and Ireland, and by his Excellency the President of the United States of Mexico, and the ratifications shall be exchanged at Mexico as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done, in two originals, at the City of Mexico, the twenty-seventh day of November, one thousand eight hundred and eighty-eight.

(L.S.) SPENSER ST. JOHN.
(L.S.) EMILIO VELASCO.

ARTICULO XVII.

El presente Tratado será ratificado por su Excelencia el Presidente de los Estados Unidos Mexicanos, y por Su Majestad la Reina de la Gran Bretaña é Irlanda, y las ratificaciones se canjearán en México tan pronto como sea posible.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado y sellado.

Hecho, en dos originales, en la Ciudad de México, el dia veintisiete de Novembre, de mil ochocientos ochenta y ocho.

(L.S.) SPENSER ST. JOHN.
(L.S.) EMILIO VELASCO.

EXAMPLES OF UNITED STATES PUBLIC DOCUMENTS AND ACTS OF CONGRESS IN WHICH SEALING IS DESCRIBED AS "FISHERY."

1832. July 10. Despatch from United States Chargé d'Affaires to the Buenos Ayres Minister on the subject of the seal fishery of Malvinias, Falkland Islands. (1.) British and Foreign State Papers by Hertslet, vol. xx, p.349.

Throughout letter the term of "fishery" is employed.

1871. "Fur-seal fisheries, Alaska. Letter from the Secretary of the Treasury, transmitting copy of Report by Special Agent in charge of the fur-seal fisheries at the Islands of St. Paul and St. George, Alaska." (2.) H. of R., 42nd Cong., 2nd Sess., Ex. Doc. 20.

1874. An Act of Congress approved on the 22nd April provided for a Report on "the present condition of the seal fisheries of Alaska; the haunts and habits of the seal; the preservation and extension of the fisheries as a source of revenue to the United States, with like information respecting the fur-bearing animals of Alaska generally; the statistics of the fur trade and the condition of the people or natives, especially those upon whom the successful prosecution of the fisheries and fur trade is dependent."

1876. "Seal fisheries of Alaska. Letter from the Secretary of the Treasury, transmitting, in response to a Resolution from the House of Representatives, information relating to the seal fisheries in Alaska." (3.) H. of R., 4th Cong., 1st Sess., Ex. Doc. 83.

1889. "Fur-seal fisheries of Alaska. (29th January, 1889.—Recommitted and ordered to be printed.) Mr. Dunn, from the Committee on Merchant Marine and Fisheries, submitted the following Report." . . . . "The Committee was directed to investigate the fur-seal fisheries of Alaska, and all contracts or leases made by the Government with any person or Companies for the taking of fur-seals or other fur-bearing animals in Alaska, ... and to fully investigate and report upon the nature and extent of the rights and interests of the United States in the fur-seals and other fisheries in Bering Sea in Alaska," &c. (4.) H. of R., 50th Cong., 2nd Sess., Report No. 3883.

1889. "Message from the President of the United States, transmitting, in response to Senate Resolution of the 2nd January, 1889, a Report upon the seal fisheries in Bering Sea." (5.) United States Senate, 50th Cong., 2nd Sess., Ex. Doc. 106.

1890. "Seal fisheries of Behring Sea. Message from the President of the United States, transmitting a letter from the Secretary of State, with accompanying papers, touching the subjects in dispute between the Government of the (6.) H. of R., 51st Cong., 1st Sess., Ex. Doc. 450.

United States and the Government of Great Britain in the Behring Sea, including all communications since the 4th March, 1889."

(7.) United States Statutes, 1887 to 1889, vol. xxv, p. 939.

1889, March 2. An Act making appropriations for civil expenses of Government for the year ending the 13th June, 1890.

"Alaskan seal fisheries," for salaries, &c., at seal fisheries in Alaska, as follows:

For one agent, 3,650 dollars, &c.

(8.) 51st Cong., 1st Sess., H. R., 7903

1890, March 7. The Bill and the Act founded upon it under which Mr. Elliott was appointed the Special Agent for the purpose of collecting information on the condition of the "seal fisheries of Alaska."

(9.) H. of R., 51st Cong., 2nd Sess., Ex. Doc. 144.

1891. "Seal fisheries of Behring Sea. Message from the President of the United States transmitting a letter from the Secretary of State submitting the official correspondence between the Government of the United States and the Government of Great Britain, touching the seal fisheries of the Behring Sea since the 19th July last."

(10.) 52nd Cong., 1st Sess., Ex. Doc. 73.

1892, March 28. Letter to Secretary of United States with reference to Senate Resolution of the 28th March, 1892.

123 STATEMENTS MADE BY CERTAIN WITNESSES IN THE UNITED STATES CASE RESPECTING THE PRIBYLOFF ISLANDS, &C., COMPARED WITH THOSE PREVIOUSLY MADE BY THE SAME PERSONS IN OFFICIAL REPORTS.

Professor J. A. Allen, a Curator in the American Museum of Natural History, whose acquirements and credentials will be found very fully set forth on p. 365 of the Appendix to the United States Case, and who is the author of the well-known "Monograph on the North American Pinnipeds," furnishes, at the request of the Secretary of State of the United States, a Special Report on the pinnipeds, with particular reference to the fur-seals. This forms part of Vol. I of the Appendix, and is frequently quoted in the Case. Without entering into minor points of criticism on this article, which, in so far as it related to the habits, &c., of the fur-seal, is practically a replica of the Report of the United States Commissioners, it may be of interest to place side by side a few parallel statements derived from this Report prepared by request, and the previously written "Monograph" of the same author. The date of the "Monograph" is 1880.

Monograph of 1880.

1. "The pinnipeds, or *Pinnipedia*, embracing the seals and walruses, are commonly recognized by recent systematic writers as constituting a sub-order of the order *Feræ*, or carnivorous mammals. They are, in short, true *Carnivora*, modified for an aquatic existence, and have consequently been sometimes termed "Amphibious Carnivora." Their whole form is modified for life in the water, which element is their true home. Here they display great activity, but on land their movements are confined and laboured. They consequently rarely leave the water, and generally only for short periods, and are never found to move voluntarily more than a few yards from the shore. Like the other marine

Article in Appendix I to United States Case, 1892.

1. "The common seals, the eared seals, and the walruses form a well-marked group of the carnivorous mammalia, constituting a sub-order (*Pinnipedia*) of the order *Carnivora*. They are carnivores specially modified for aquatic locomotion and sub-aquatic life. Their ancestors were doubtless land animals, probably more nearly allied to the bears than to any other existing mammals. They are still dependent on the land or on fields of ice for a resting-place, to which they necessarily resort to bring forth their young. They are thus very unlike the sea-cows, and the whole tribe, which are strictly aquatic, bringing forth in the water, and entirely unfitted for locomotion on land" (p. 368).

mammalia—the *Cetacea* and *Sirania* (whales, dolphins, porpoises, manatees, &c.)—their bodies are more or less fish-like in general form, and their limbs are transformed into swimming organs. As their name implies, they are fin-footed. Generally speaking, the body may be compared to two cones joined basally. Unlike the other marine mammals, the pinnipeds are all well clothed with hair, while several of them have underneath the exterior coarser hair a thick, soft, silky under-fur. In contrasting them with the ordinary or terrestrial mammals, we note that the body is only exceptionally raised, and the limbs are confined within the common integument to beyond the knees and elbows, and are hence to only a slight degree serviceable for terrestrial locomotion.—(Op. cit., p. 1.)

"The existing pinnipeds contain three very distinct minor groups or families, differing quite widely from each other in important characters: these are the walruses or *Odobaenidæ*, the eared seal or *Otaridæ*, and the earless seals or *Phocidæ* . . . . ."

124 After stating that the first two groups are the more nearly allied, and that the *Phocidæ* may be contrasted with these, being the lowest group, Professor Allen adds: "The limb structure, the mode of life, and the whole economy are essentially the same in the two groups" (p. 2).

Compare also, on "the true home" of the fur-seal passage quoted below from p. 405.

2. *North Pacific Fur-Seal.*

"Habitat—shores of the North Pacific from California and Japan (Peters) northward" (p. 210).

2. *North Pacific Fur-Seal.*

"Habitat—the islands in Behring Sea, at present chiefly the Pribyloff and Commander Islands, migrating southward in winter along the American coast to California, and along the Asiatic coast to the Kurile Islands" (p. 372, Appendix I).

3. "Except during the season of reproduction these animals appear to lead a wandering life, but the extent and direction of their migra-

3. "The true home of the fur-seals of the eastern waters of the North Pacific and Behring Sea is the Pribyloff group of islands in

tions are not yet well known. Steller spoke of their migrations as being as regular as those of the various kinds of sea-fowls, and they are recorded as arriving with great regularity at the Pribyloff Islands; but where they pass the season of winter is still a matter of conjecture" (p. 335).

4. Under the heading "*Callorhinus Ursinus*—Northern Fur-seal" is the following statement:

"The fur-seal is well known to have been formerly abundant on the western coast of North America, as far south as California, but the exact southern limit of their range I have been unable to determine.

"Captain Scammon spoke of having seen them 'on one of the San Benito Islands, on the coast of Lower California, and many beaches were found fronting gullies where (fur) seals in large numbers formerly gathered, and as they had plenty of ground to retreat upon, the sealers sometimes drove them far enough back to make sure of the whole herd, or that portion of them the skins of which were desirable.' He also states that the fur-seal and sea-elephant once made the shores (of Guadaloupe Island) a favourite resorting-place, and refers to their former occurrence on Cedros Island in latitude 28°" (p. 332).

5. "Man, of course, stands first in importance as an enemy of the fur-seal, but under the restrictions respecting the killing of these animals now enforced at the Pribyloff Islands, does not appear to have a very marked influence in effecting their decrease" (p. 381).

Behring Sea. It is to these islands that seals repair annually to breed, and there is no evidence that they breed elsewhere than on these islands. It is evident, from what we know of seal life elsewhere, that were the climate sufficiently mild in winter, they would undoubtedly pass the whole year at these islands. Owing, however, to the inclemency of the winter months, the fur-seals are forced to migrate southward in search of food and a milder climate."—(Appendix I, p. 405.)

4. "Since fur-seal breeding rookeries are reported to have formerly existed on some of the small islands off Southern California, it has been assumed that they were a portion of the Pribyloff herd which sometimes remained south to breed. Such an assumption is entirely opposed to what is known of the habits and distribution of marine life and the well-grounded principles of geographic distribution, viz., that a fur-seal breeding on an Arctic island, which it annually travels thousands of miles to reach, would also choose for a breeding station an island in sub-tropical latitude. Fortunately, the rebuttal of this assumption does not depend upon the generalizations of the naturalists, since specimens have recently been obtained from Guadaloupe Island which show that while a fur-seal formerly occurred there, and is still sometimes found there in small numbers, it is not only not the Pribyloff species, but a seal belonging to a different genus, HITHERTO ONLY KNOWN AS AN INHABITANT OF THE SOUTHERN HEMISPHERE" (p. 406).

5. "The history of the Pribyloff fur-seal herd shows that for a period of about fifteen years it was possible to kill for commercial purposes 100,000 male seals annually with not only no recognizable decrease nor deterioration of the herd, but apparently a decided increase up to about the year 1880" (p. 407).

6. Professor Allen, quoting Mr. Recks, with special reference to the harbour seal, writes:

"He adds that it is only in the spring of the year that this seal will 'float' when killed in the water, but says that he has never seen a seal so poor, which if killed *dead on the spot* would not have floated from five to ten seconds, or long enough to give 'ample time for rowing alongside, supposing the animal to have been killed by shot, and the boat to contain two hands'" (p. 597).

Again, referring to the bearded seal, he quotes Kumlien as follows:

"In July during the moulting time their stomachs contained nothing but stones, some of them nearly of a quarter-pound weight. They seemed to eat nothing during the entire time of shedding, probably six weeks. Certain it is that they lose all their blubber, and by the middle of July have nothing but 'white horse,' a tough, white, somewhat cartilaginous substance, in place of blubber. At this season they sink when shot" (pp. 571–672).

"6. Only such seals as are instantly disabled can be secured, and even many of these must be lost, since the specific gravity of a dead seal is greater than that of the water in which it is killed" (p. 409).

Extracts from Reports and Evidence of Captain Charles Bryant (1869–76).

1. "The pups are about five weeks old when the old females go off to feed."—("On Eared Seals," p. 103.)

"From that time [after being served] she lies either sleeping near her young or spends her time floating or playing in the water near the shore, returning occasionally to suckle her pup."—("Monograph of North American Pinnipeds," p. 386.)

"The females go into the water to feed when the pups are some 6 weeks old."—(Senate, 41st Congress, 2nd Session, Ex. Doc. No. 32, p. 5.)

1. "The pup is nursed by its mother from its birth as long as it remains on the islands, the mother leaving the islands at different intervals of time after the pup is 3 or 4 days old."—(United States Case, Appendix, vol. ii, p. 5.)

"The females, after giving birth to their young, temporarily repair again to the water."—("Monograph of North American Pinnipeds," p. 386.)

2. "When once in the water the young seals soon appear to delight in it, spending most of their time there in play, tumbling over each other like shoals of fish."—(Monograph of North American Pinnipeds, p. 387.)

3. "Thus they remain until October, when the oldest and strongest begin to leave for the winter, and others soon follow."—("Monograph of North American Pinnipeds," pp. 387, 388.)

4. "The fur-seals resort to the Pribyloff Islands during the summer months for the sole purpose of reproduction. Those sharing in these duties necessarily remain on or near the shore until the young are able to take to the water. During this considerable period the old seals are not known to take any food."—("On Eared Seals," p. 95.)

"The beach-masters leave the islands in August and September."—(H. R., 44th Congress, 1st Session, Ex. Doc. No. 83, p. 177.)

"In November the young seals stop to rest for a few days on the Aleutian Islands, where several hundred are annually killed by the natives."—(Senate, 41st Congress, 2nd Session, Ex. Doc. No. 32, p. 5.)

5. "About the 20th July the great body of the previous year's pups arrive and occupy the slopes with the younger class of males, and they continue to be mixed together during the remainder of the season. The 2-year-old females, which pair with the young males in the water near the island, also now associate with the other females."—("On Eared Seals," p. 102.)

6. "At this stage they [the female pups] leave the island for the

2. "By the 1st September nearly all the pups have learned to swim, and until the time of their departure from the islands spend their time both on land and in the water, but by far the greater portion of their time is spent on land."—(United States Case, Appendix, vol. ii, p. 5.)

3. "The time they [the young] leave the islands is generally the middle of November, but the weather is the true mark of such departure, they seeming unwilling to stay after the first snow or sleet comes."—(United States Case, Appendix, vol. ii, p. 5.)

4. "Providing the conditions were the same on the islands the year round as they are in the summer, and providing the food supply was sufficient in the immediate vicinity of the islands, I think the seals would remain on or about the islands during the entire year. The seals evidently consider these islands their home, and only leave them by reason of lack of food and inclement weather."—(United States Case, Appendix, vol. ii, p. 5.)

5. "Returning again, this time as '2-year-olds,' the males go upon the hauling-grounds with the bachelor seals, and the females land on the breeding rookeries. It is probable that the females of this age are fertilized by the bulls, and leave the islands in the fall pregnant."—(United States Case, Appendix, vol. ii, p. 6.)

6. "On returning the third year the young male goes again upon

winter, and very few appear to return to the island until they are 3 years old, at which age they seek the males for sexual intercourse. On the other hand, the males return the following year with the mature females. . . . But the young females, as already
126 stated, are not seen in numbers until they are 3 years old, when they arrive in the height of the breeding season."—("Monograph of North American Pinnipeds," pp. 401, 402.)

"The masters and officers of these schooners [of the Alaska Commercial Company], who are familiar with the seals, say they see small groups of small (apparently 1- and 2-year-old) seals at all times during July and August. These, I think, may be young females, which, as already stated, do not visit the island till they are 3 years old."—("Monograph of North American Pinnipeds," p. 411.)

7. "Copulation, described more fully later, usually takes place in the water."—("On Eared Seals," p. 96.)

"Owing to the position of the genital organs, however, coition on land seems to be not the natural method, and only rarely, perhaps in three cases out of ten, is the attempt to copulate under such circumstances effectual. In the meantime, the 4- and 5-year-old males are in attendance along the shore. When their jealous lord is off his guard, or engaged in driving away a rival, the females slip into the water, when an attentive 'bachelor' seal follows her to a distance from the shore. Then breast to breast they embrace each other, turning alternately for each other to breathe, the act of copulation sometimes continuing from five to eight minutes."—("On Eared Seals," p. 100.)

"I have seen the male deliberately turn the female on her back and copulate in that manner. This, however, happens more frequently in the water than on land. It is the hauling-grounds, and the female to the rookeries, where she brings forth one pup."—(United States Case, Appendix, vol. ii, p. 6.)

7. "In watching the seals while swimming about the islands I have seen cases where they appeared to be copulating in the water, but I am certain, even if this were the case, that the propagation of the species is not as a rule effected in this way, the natural and usual manner of coition being on land."—(United States Case, Appendix, vol. ii, p. 6.)

often observable that while females are landing in great numbers they come in heat faster than the males on the rookeries can cover them. In such cases some of the females break away and escape into the water to meet fresher and more vigorous mates. It is in this way that the class of young males of 4 or 5 years of age perform a most important service.

"Since 1874, owing to the decrease in the number of breeding males, a much larger proportion of the females receive the males in the water, so that on any still day after the 20th July, by taking a canoe and going a little off shore, considerable numbers may be seen pairing, and readily approached so near as to be fully observed. They are then found in single pairs, swimming in circles, sometimes the one, sometimes the other leading. They come together in approaching the surface from below, the male shooting on to the back of the female, and firmly clasping her between his fore-flippers. The time of contact is shorter than on land, not exceeding five minutes, but the operation is repeated two or three times at intervals of fifteen or twenty minutes."—("Monograph of North American Pinnipeds," pp. 405, 406.)

"While sufficiently developed to be fully able to serve the females, they lack the physical strength to successfully contend for a place on the rookery. They haul up with the bachelors at night, but during the day are in the water swimming along the shore of the rookery, always on the alert for the females that seek the water as above stated. On meeting them they immediately accompany them to a little distance from the shore, and then perform the act of coition. The females, after remaining for a short time in the water, again return to the shore to their former places. The old males, finding they have been served, express their disgust in a most evident

manner."—("Monograph of North American Pinnipeds," p. 386.)

"All of the seals between 4 and 6 years of age pass a large portion of their time during the day in the water, returning to the shore at night. While in the water they swarm along the shore of the breeding-places watching for opportunities of mating with any females that may chance to be in the water."—("Monograph of North American Pinnipeds," p. 388.)

"Owing to the large number of young males constantly in the water about the rookeries, in addition to the beach-masters, all the females were impregnated before the 10th August."—("Monograph of North American Pinnipeds," p. 390.)

8. "As soon as the males in the line nearest the shore get each seven or eight females in their possession, those higher up watch their opportunity and steal them from them. . . . . In the average there are about fifteen females to one beach-master."—("Monograph of North American Pinnipeds," p. 385.)

8. "The average seen at one time while I was on the islands was from fifteen to twenty to a bull. . . . I am of the opinion that a bull could, if necessary, serve 75 to 100 cows during a season."—(United States Case, Appendix, vol. ii, p. 6.)

9. In his Report to the Secretary of the Treasury, dated the 11th October, 1875, Mr. Bryant says:

"The stock of breeding bulls has decreased by loss from age and other causes so much faster than there has been young seals grown to replace them, that its present condition is only equal to the present demand, and the stock of half-bulls, or those to mature in the next two years, is not sufficient to meet the wants of the increase in the females. Under these circumstances, I feel it my duty to recommend that for the next two years the number of seals to be taken for their skins be limited to 85,000 per annum."—(H. R., 44th Congress, 1st Session, Ex. Doc. No. 83, p. 178.)

"At the usual time, however, 15th June [1873], the rookeries were occupied by the beach-masters, but there were a smaller num-

9. "During my observation only one class of bachelor seals on the islands showed any deficiency in numbers, and I accounted for this fact in my Report to the Secretary of the Treasury, dated the 5th September, 1872, from which I quote: '. . . . There is now only a deficiency of one class, that of 4- and 5-year-old seals.'"—(United States Case, Appendix, vol. ii, p. 7.)

ber to a given area than formerly, the great body of the reserves of 1869 having become reduced one-half."—("Monograph of North American Pinnipeds," p. 393.)

10. "It was also apparent that the killing of so many half-bulls the two previous years had reduced to a minimum the number that hovered in the vicinity of the breeding rookeries, keeping the beach-masters in continual alarm."—("Monograph of North American Pinnipeds," p. 394.)

"The rapid decrease of the reserves, with the attendant changes in the movements of the seals, caused considerable anxiety. The wise ones among the natives shook their heads ominously, and said they had predicted this from the slaughtering so many half-bulls during the previous three years. I felt this, but could not order differently, the Company having the right to select their own animals."—("Monograph of North American Pinnipeds," p. 395.)

"Since 1874, owing to the decrease in the number of breeding males, a much larger proportion of females receive the males in the water."—("Monograph of North American Pinnipeds," p. 405.)

"A residence of seven successive seasons on the island, in charge of these animals, has furnished me with the desired opportunity for determining this surplus product by actual study of their habits and requirements, and the result is the killing of 100,000 per annum does not leave a sufficient number of males to mature for the wants of the increase in the number of females."—(H. R., 44th Congress, 1st Session, Ex. Doc. No. 83, p. 175.)

"Thus it will be seen the
128 method of killing does not admit of the setting apart of a special number and taking the remainder for the quota for market, and the only possible way to preserve the requisite number for breeding purposes is to restrict the number to be killed so far within

10. "The whole time I was there there was an ample supply of full-grown vigorous males sufficient for serving all the females on the islands, and every year a surplus of vigorous bulls could always be found about the rookeries awaiting an opportunity to usurp the place of some old or wounded bull, unable longer to maintain his place on the breeding islands."—(United States Case, Appendix, vol. ii, p. 7.)

the product as to insure enough escaping for this object. When the lease was put in practical operation in 1871, there was a very large excess of breeding males on hand; since then this surplus has been diminished by the dying out of the old seals faster than there has been younger seals allowed to escape and grow up to fill their places until the present stock is insufficient to meet the necessities of the increasing number of breeding females."—(H. R., 44th Congress, 1st Session, Ex. Doc. No. 83, pp. 176, 177.)

11. After referring to a severe gale, accompanied with snow, that swept over the Seal Islands 30th October, 1876, which drove all the seals into the water, says: "Only a comparatively small number returned again to the shore. Among these were large numbers of females which had lost their young, and for several days they went about the breeding-grounds plaintively calling for their pups. In November, when the time had arrived for driving the young seals to kill for the supply of winter food for the natives, it was found that only half the number (5,000) requisite for that purpose could be obtained. Undoubtedly great numbers of the young seals which were driven to the water by the storm must have become separated from their parents and lost."—("Monograph of North American Pinnipeds," p. 397.)

"When the sun shines for two or three hours, and the rocks become heated, there are occasional deaths among the beach-masters and very young pups from sunstroke. . . . . Fortunately these occurrences are rare, and it was only in 1874 that any appreciable number were lost from this cause. That year many young seals died about the 1st of August."—("Monograph of North American Pinnipeds," p. 408.)

12. "These hauling-grounds are swept and driven two or three

11. "I do not think that while I was there I saw in any one season fifty dead pups on the rookeries, and the majority of dead pups were along the shore, having been killed by the surf."—(United States Case, Appendix, vol. ii, p. 8.)

12. "The driving and killing of bachelor seals was always carried

times a-week during the months of June and July, and the prime seals culled out for killing, and every seal growing up has to run this gauntlet for his life his second, third, and fourth year, before he escapes to grow up as a breeding bull."—(H. R., 44th Congress, 4th Session, Ex. Doc. No. 83, p. 176.)

13. "These beaches occupied by the intermediate ages, from 1 to 6 years, together with the few superannuated ones. . . . These seals as they lie on the beaches, are surprised by the hunters, cut off from the water, and driven inland in droves to the salt houses, where they are separated into groups of sixty or seventy at a time and surrounded by the sealers with their clubs. Under the direction of the Chief, the prime seals are selected and killed, and those too young or too old are allowed to go into the water and return to the hauling-ground again."—(H. R., 44th Congress, 1st Session, Ex. Doc. No. 83, p. 176.)

on in the most careful manner, and during my stay upon the islands there was practically no injury caused to seal life by over-driving. . . . . Redriving of the growing males from the various hauling-grounds was made at intervals of several days, and did not cause them any injury; and I am thoroughly satisfied that there was not a single instance in which the vitality of a seal was destroyed or impaired by redriving."—(United States Case, Appendix II, p. 8.)

13. "In all cases, at suitable intervals and before driving to the killing-ground, the herd was halted, and the males of 5 years old or older were allowed to escape."—(United States Case, Appendix II, p. 8.)

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129 *Stephen N. Buynitsky (1870–72).*

1. "They [the natives] subsist mostly on cod and halibut and every description of fish they can find. They dry and preserve it for winter."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 12.)

1. "At the time I was on the islands I do not think there were any fish at all within 3 miles of the islands, and that the seals to feed had to go farther than that from the land. The belief is founded on statements made me by natives on the islands, and also from the fact that fresh fish were seldom eaten upon the islands."—(United States Case, Appendix II, p. 21.)

Henry A. Glidden (1882–85).

1. "Q. What do you say about the increase or diminution of the number of seals on the rookeries of St. Paul and St. George?—A. I did not notice any change, but they vary in different years, in St. George particularly. . . . I could not see any particular difference."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 27.)

2. Does not speak of dead pups before Committee on Merchant Marine and Fisheries, in 1888, but in answer to "Do you know anything of seals being killed in the water by unauthorized persons?" says "No, Sir."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 26.)

3. "Q. I would ask whether there are not trading-vessels which buy skins?—A. Yes, Sir, and steal skins; that is the great trouble we had—to watch marauders. That was more trouble than anything else."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 26.)

"Q. As agent of the Government, were you charged with the duty of looking after violations of the laws of the United States in Behring Sea by vessels and others?—A. Yes.

"Q. Was there much trouble in this respect?—A. Yes, Sir; a good deal sometimes.

Q. By foreign vessels, by hunters of our country as well as foreigners?—A. Yes, Sir. There have been a number captured there.

"Q. What is the quest of these hunters? Do they hunt in the open seas, or do they attempt to hunt on these islands?—A. They come to seal islands in the night—on moonlight nights. We took a vessel loaded with seals while they were on the islands. We got into the vessel and took possession of it while they were on the islands killing seals."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 28.)

1. "I am unable to state whether the seals increased or not during my residence on St. Paul, but they certainly did not decrease, except, perhaps, there was a slight decrease in 1884."—(United States Case, vol. ii, p. 109.)

2. "I never noticed or examined dead pups on the rookeries before 1884, the number being so small, but that year examined them. . . . . In my judgment they were starved to death because their mothers had been killed while away from the islands in search of food."—(United States Case, p. 110.)

3. "Raids on the rookeries by marauders did not, while I was on the islands, amount to anything, and certainly seal life was not affected to any extent by such incursions. I only knew of one raid upon St. Paul Island while I was there. It was a Japanese vessel, and they killed about 100 seals, the carcasses of which we found on board when we captured the seals."—(United States, p. 111.)

George Wardman (1881–85).

After having told the Committee in 1888 that he had measured all the rookeries carefully, Wardman was asked—

"Q. Do you put it [the number of seals] at the same numbers annually?—A. About. I think the breeding seals on the rookeries come in about the same numbers."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 39.)

No reference to increase anywhere in evidence before House of Representatives Committee.

Raids referred to in H. R. Report No. 3883, 50th Congress, 2nd Session, pp. 34, 35, 38, 39.

"I made careful examination of the rookeries each year, and after the first year I compared my yearly observations, so that I might arrive at some conclusion as to whether it was possible and expedient to increase our portion of the quota of skins to be taken on St. George Island without injuriously affecting seal life there. I am satisfied, from my observations, that the breeding-grounds on St. George covered greater areas in 1884 than in 1881, and that seal life materially increased between those dates."—(United States Case, vol. ii, p. 178.)

No mention is made of raids in printed affidavit.

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130 *W. B. Taylor (1881).*

1. "So far as our observation went, and from what we knew from information obtained from those who had been there a number of years, the rookeries were at this time [1881] about as full as they ever were."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 44.)

1. "From carefully observing the grounds formerly occupied by breeding seals, as pointed out to me by the natives, and from statements made me by those on the island, I believe there were more seals on the islands in 1881 than in any one year previous to that time."—(United States Case, vol. ii, p. 176.)

2. "Q. When does the young seal first go to the water?—A. I do not think I can be accurate in any statement as to that; I did know."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 56.)

2. "From my observations I am convinced that a pup must be 6 or 8 weeks old before it can swim."—(United States Case, vol. ii, p. 176.)

3. "Sometimes young seals will come about the village, just as playful, so far as anything of that kind is concerned, as a cat or dog would be, but of course you cannot domesticate them, because they will not eat anything outside of the Sea."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 55.)

3. "I believe that a seal is naturally a land animal."—(United States Case, vol. ii, p. 176.)

4. "I believe that the capacity of the bull seal is limited the same as any other animal, and I have frequently counted from thirty to thirty-five, and even at one time

4. "It is my opinion that a bull is able to serve three to five cows a-day, and certainly over 100 a season."—(United States Case, vol. ii, p. 177.)

forty-two cows with one bull. I think if there were more bulls there would be less cows to one bull, and in that way the increase would be greater than now."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 59.)

5. "These vessels will take occasion to hang around the islands, and when there is a heavy fog to go to the rookeries. Very often . . . . As it is to-day these vessels come and kill 5,000, 10,000, 15,000 seal every year."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 54.)

5. "There was but one raid on the rookeries while I was there, and that took place on Otter Island."—(United States Case, vol. ii, p. 177.)

T. F. Morgan (1868–69, 1874–87).

1. "Q. Were the rookeries in the last years of your visit as full as in the beginning?—A. There is a large increase in the number of animals since 1868, when I first went there. There is a large increase since 1874, when I went back. The breeding rookeries occupy more territory than they did then." [Evidence given in 1888.]—(H. R., 50th Congress, 2nd Session, Report No. 3883, pp. 68, 69.)

"Q. Then the result of your observations is that there has been an increase in numbers?—A. Yes, Sir."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 72.)

1. "In 1885, and in every year thereafter until I left in 1887, there was a marked decrease in the number of marketable skins that could be obtained in each year during the sealing season. We were able down to the last year [1887] to get our total catch of 100,000 seals, but in order to get that number we had to take what in previous years we would have rejected, namely, undersized skins, *i. e.*, the skins of young seals. . . . . In the years 1885, 1886, and 1887 my attention was attracted not only to a diminution in the number of killable seals appearing on the island, but to a decrease in the females as well. Up to 1884 the breeding-space in the rookeries had increased, and from that year down to 1887, when I left the island, the acreage covered by the rookeries which were occupied by seals constantly diminished."—(United States Case, vol. ii, pp. 63, 64.)

"There is no question but what these schooners have had an effect upon the rookeries in the last three years in the difference in the way the seals arrive. . . . . There is no question in my mind but that a very large percentage of those animals taken near the shore are females."—(H. R., 50th

"From the year 1884 down to the period when I left St. George Island there was a marked increase in the number of dead pups, amounting, perhaps, to a trebling of the numbers observed in former years, so that I would estimate the number of dead pups in the year 1887 at about 5,000 or 7,000 as a maxi-

Congress, 2nd Session, Report No. 3883, p. 71.)

Nothing said here or anywhere else in evidence of dead pups being a resultant of the killing at sea. They are nowhere mentioned.

mum." Attributes mortality to killing of mothers.—(United States Case, vol. ii, p. 64.)

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131 *H. H. McIntyre (1870–89).*

1. "The seals are found indiscriminately on the two islands; that is, seals born on St. George are found at St. Paul, and *vice versâ*."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 128.)

2. Except in the vague assumption that when females are killed their young die, no reference is made in "Fur-Seal Fisheries of Alaska" to dead pups being found on rookeries.

3. "We had then [1873–82], and at all times until the marauding was actually engaged in, a large surplus of animals from which to make our selection. After 1883 [until 1882 sizes right, see above] the sizes decreased, and have constantly decreased ever since."—(H. H., 50th Congress, 2nd Session, Report No. 3883, p. 118.)

4. "The fact is that the bachelor seals may be found to-day upon a certain rookery, and at another time upon another place. The result is the same animals, in many instances, have been counted two

1. "The seals are migratory and return, as I believe, after migration to the vicinity and probably to the ground or rookery on which they were born."—(United States Case, vol. ii, p. 40.)

2. Reference is made to dead pups having been found on the Pribyloff Islands in 1886, 1887, and 1888.—(United States Case, vol. ii, p. 51.)

3. "In my judgment such depletion was caused by pelagic sealing, and that it grew greater from year to year as the number of so-called poaching-schooners increased; and that its effects began to manifest themselves about 1885 or 1886."—(United States Case, vol. ii, p. 46.)

"During the three years following 1882, namely, 1883, 1884, and 1885, I was not upon the islands; that upon my return to said islands in 1886 I noticed a slight shrinkage in the breeding areas, but am unable to indicate the year of the period of my absence in which the decrease of breeding seals began."—(United States Case, vol. ii, p. 45.)

"Up to 1882 there was no difficulty in procuring the required number of seals."—(United States Case, vol. ii, p. 45.)

"This number [100,000] was easily secured every year from 1871 to 1885, and at the same time a constant increase in the seal rookeries was observed" (p. 48).

4. "Yet their [the seals'] habits are so well defined and unvarying that it is an easy matter to determine whether they increase or decrease from year to year, because they always occupy the same por-

or three times."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 116.)

(See Morgan, H. R., 50th Congress, 2nd Session, Report No. 3883, pp. 71, 72, as to change in rookeries and hauling-grounds.)

5. "After 1883 the sizes decreased, and have constantly decreased ever since."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 118.)

And still the 100,000 were taken every year.

"Q. To what do you attribute this diminution in the size of the skins taken?—A. To the fact that after turning back our breeders a sufficient number of large male seals cannot be had on the islands to meet the requirements of our trade."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 119.)

6. "There are at present [1888] in my opinion, too few bull seals to keep the rookeries up to their best condition."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 117.)

"When we are left only exactly the number of bulls we need, and a few even of these are killed, it completely upsets our calculations, with the result of leaving too few of this class of animals to secure the full productiveness of the rookeries."—(H. R., 50th Congress, 2nd Session, Report No. 3883, p. 130.)

tions of certain beaches, and simply expand or contract the boundaries of the rookeries as they become more or less numerous."—(United States Case, vol. ii, p. 48.)

5. "I left the rookeries in 1882 in their fullest and best condition, and found them in 1886 already showing slight falling-off, and experienced that year for the first time some difficulty in securing just the class of animals in every case that we desired. We, however, obtained the full catch in that and the two following years, ... but were obliged, particularly in 1888, to content ourselves with smaller skins than we had heretofore taken."—(United States Case, vol. ii, p. 51.)

6. "While I was located upon the islands there was at all times a greater number of adult male seals than was necessary to fertilize the females who hauled upon said rookeries, and there was no time when there were not vigorous bulls on the rookeries who were unable to obtain female consorts."—(United States Case, vol. ii, p. 45.)

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132 *J. H. Moulton (1877–85).*

"I think during the first five years [1877–82] I was there there was an increase, and during the last three years [1883–85], there was no increase."—(H. R. 50th Congress, 2nd Session, Report No. 3883, p. 255.)

Does not refer to dead pups in evidence before Committee.

"While on St. Paul Island [1881–84] I do not think the number of seals increased, and in the last year (1884) I think there was a slight decrease."—(United States Case, Appendix, vol. ii, p. 71.)

"On St. Paul Island I never saw any dead pups to amount to anything until 1884, and then the number was quite noticeable."—(United States Case, Appendix, vol. ii, p. 71.)

Joseph Murray (1889–92).

Colonel Murray, in a letter addressed to Mr. Goff, and dated the 31st July, 1890, after describing a meeting held by the natives on St. George Island for the purpose of discussing the causes that lead to the decrease in the number of seals on that island, says: "The meeting was adjourned from time to time until they had thoroughly discussed the most important questions raised, and at the last meeting, held 23rd May, they unanimously declared that it was their firm belief and honest opinion that the seals had diminished, and would continue to diminish from year to year, because all the male seals had been slaughtered without allowing any to grow to maturity for use on the breeding-ground. I made a note of the suggestion on the journal of that day, and I am now fully convinced by personal observation that it is only too true, and that the natives were correct in every particular."—(Senate, 50th Congress, 2nd Session, Ex. Doc. No. 49, p. 8.)

"There is only one great cause of the decrease of the fur-seal, and that is the killing of the females by pelagic hunting. During my observations in 1890 I was led to believe that the decrease was partly due to the lack of bulls on the breeding rookeries, and I so reported to Agent Goff; but after thoroughly investigating the subject the next year by daily visits to the breeding-grounds of the several rookeries, where I saw nearly every cow with a pup by her side, and hundreds of vigorous bulls without any cows, I came to the conclusion that there was no truth in the theory, and that it was the cows that were scarce and steadily decreasing."—(United States Case, Appendix, vol. ii, p. 74.)

(NOTE.—This reference applies to St. Paul Island, the earlier one to St. George Island.)

Charles A. Goff (1889–90).

"We closed the season by turning away 86 per cent. [of the seals driven], a fact which proves to every impartial mind that we were re-driving the yearlings, and, considering the number of skins obtained, that it was impossible to secure the number allowed by the lease, that we were merely torturing the young seals, injuring the future life and vitality of the breeding rookeries, to the detriment of the lessees, natives, and the Government."—(Senate, 50th Congress, 2nd Session, Ex. Doc. No. 90, p. 5.)

"It is evident that the many preying evils upon seal life, the killing of the seals in the Pacific Ocean along the Aleutian Islands, and as they come through the passes

"A few seals are injured by re-driving (often conflicted with over-driving, and sometimes so called), but the number so injured is inconsiderable, and could have no appreciable effect upon seal life through destroying the virility of the male."—(United States Case, Appendix, vol. ii, p. 113.)

"I believe that the sole cause of the decrease is pelagic sealing, which, from reliable information, I understand to have increased greatly since 1884 or 1885."—

to the Behring Sea, by the pirates in these waters, and the indiscriminate slaughter upon the islands, regardless of the future life of the breeding rookeries, have at last with their combined destructive power reduced these rookeries to their present impoverished condition."—(Senate, 50th Congress, 2nd Session, Ex. Doc. No. 90, p. 5.)

"The prosperity of these world-renowned rookeries is fast fading away under the present annual catch allowed by law, and this indiscreet slaughter now being waged in these waters will only hasten the end of the fur-seals of the Pribyloff Islands."—(Letter from Mr. Goff to Mr. Windom, dated St. Paul Island, Alaska, 31st July, 1889.)

(United States Case, Appendix, vol. ii, p. 112.)

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133 *C. A. Williams.*

"It was supposed at that time [early in the Russian régime] that the commencement of seal life on the Islands of Behring and Copper probably took place by reason of the indiscriminate killing on those islands [Pribyloff] diverting the seal from their usual haunts, and making them seek some other localities.

"Q. Was there a large number of seals which left the Pribyloff group and went over to the Russian islands?—A. You could hardly expect them to go in a body. There had hardly been sealing or seal life to any extent on the Commander Islands of Copper and Behring. It had not attracted the attention of the Russians, but after the indiscriminate killing on the Islands of St. Paul and St. George, it was noticed that seal life increased rapidly on the other islands, and the supposition is a natural one that they were diverted from the islands on which they had heretofore been undisturbed, and sought other places."—(H. R., 50th Congress, 2nd Session, Report 3883, pp. 77, 78.)

"There is no intermingling of the two herds of the Pribyloff and Commander Islands; may be so readily distinguished from each other that an expert would have no difficulty in at once throwing out from the catch taken on the Commander Islands any skins of the Pribyloff herd; and deponent understands, from persons who have had long experience in the examination of the living animals, that the two herds so differ as to belong to separate species of the same genus and can readily be distinguished from each other."—(United States Case, Appendix, vol. ii, p. 537.)

134 REPORT BY MR. J. M. MACOUN ON OBSERVATIONS MADE BY HIM IN 1892, PARTICULARLY UPON THE PRIBYLOFF ISLANDS.

No. 1.

*The Marquis of Salisbury to Mr. Macoun.**

FOREIGN OFFICE, *May 13, 1892.*

SIR: I have to inform you that you have been selected by Her Majesty's Government to proceed to the Pribyloff Islands during the present sealing season for the purpose of making further observations and inquiries upon points on which information is required for the preparation of the British Case in the Behring Sea Arbitration.

Application has been made to the United States Government for permission to you to visit and reside upon the Seal Islands, as stipulated in Article IV of the Convention signed at Washington on the 18th April, of which a copy is inclosed herewith, for your information.

A letter of permission for this purpose, addressed to the United States authorities on the islands, has been delivered to Her Majesty's Minister at Washington, and by him forwarded to the Governor-General of Canada, from whom you will receive it. You will also receive from him instructions as to your movements and proceedings, the payment of your expenses while employed on this duty (which will be defrayed by the Government of the Dominion), the points to which your inquiries and observations should be directed, and the transmission of your Reports to him.

You will pay particular attention to any suggestions or requests which you may receive from Sir G. Baden-Powell and Dr. Dawson, Her Majesty's Commissioners for inquiring into the conditions of seal life in Behring Sea, and will forward to them any information which they may require, either directly or through the Governor-General as may be deemed most convenient.

Arrangements are being made for your conveyance to the Seal Islands on board one of Her Majesty's ships, but upon this point you will receive detailed information from the Governor-General.

I am, &c.

(Signed) SALISBURY.

* In extension of short instructions sent to Canada, April 9, 1892.

No. 2.

Mr. Macoun to the Earl of Rosebery.

FOREIGN OFFICE, *January 14, 1893.*

MY LORD: I have the honour to report to your Lordship that, in accordance with instructions contained in a letter dated the 13th May, addressed to me by the Marquis of Salisbury, I, on the 5th June, 1892, embarked on Her Majesty's ship "Nymphe" at Victoria, British Columbia, and proceeded to Unalaska. I at that place joined Her Majesty's ship "Melpomene," and was taken to St. Paul Island, one of the Pribyloff group, where I landed on the 30th June.

In accordance with Article IV of the Convention between Great Britain and the United States of America, permission to land on the islands had been sent me by the Secretary of the Treasury Department of the United States. Quarters were assigned me in the house occupied by the agents of the North American Commercial Company, and during my stay on the Pribyloff Islands both the agents of the United States Government and of the Company gave me much valuable information and assisted me in many ways in the prosecution of my work.

During the months of July and August several short cruizes
135 were made by me on Her Majesty's ships "Melpomene" and "Daphne" either between St. Paul and St. George Islands, or between these islands and Unalaska, and one cruize of a week was made for the especial purpose of studying the habits of seals at sea; but the greater part of these two months was spent on the Pribyloff Islands in studying the habits of the seals and in making observations and inquiries upon points upon which further information was required for the preparation of the British Case in the Behring Sea Arbitration.

The last week of August and first weeks of September were spent in a cruize to the westward on Her Majesty's ship "Melpomene," during which I visited the Commander Islands and procured information to supplement that obtained by the British Commissioners in 1891.

After another visit to St. Paul Island in September I returned to Victoria, reaching that place on the 25th September.

Before leaving the Pribyloff Islands the Special Agents of the United States Treasury Department prepared for me Tables showing the number of seals that had up to the date of my departure been killed for natives' food. These Tables I have the honour to inclose for your Lordship's information.

During the whole season it was important that when the work had been done in one place I should be at once conveyed to another, and though Captain A. Chase Parr, Her Majesty's ship "Melpomene," the Senior Officer detailed for service in Behring Sea, had no definite instructions to that effect, he was good enough to consult my wishes on this and other matters, and arranged that there should be at no time any delay. Without his active co-operation much valuable information would have been lost, and it would have been impossible to carry out my instructions as fully as I was enabled to do. Whatever success may have attended my inquiries is due in great measure to the assistance rendered me by Captain Parr.

In regard to the inquiries I was instructed to make, I have the honour to transmit my Report herewith for your Lordship's information.

I have, &c.

(Signed) JAS. M. MACOUN.

Inclosure in No. 2.

Report.

Pursuant to instructions, I embarked on the Canadian Government steamer "Quadra" at Victoria, British Columbia, on the 9th May, 1892, and, after calling at Carmannah and Cape Beal, reached the East Haycock Islands at about 5 o'clock on the morning of the 11th May. These islands are a part of the Scott group, and lie off the north-west part of Vancouver Island, in north latitude 50° 48′ and west longitude 128° 47′. I visited them in one of the ship's boats, and found the main island to rise perpendicularly from the water to a height of about 80 feet. The sea was too rough to permit of our landing, so that no examination of it could be made for the purpose of searching for evidence of seals having hauled out there. Several small rocks lie to the eastward of the larger island, and in the surf by one of these a few fur-seals were seen, one an old bull, the others either females or young males. Near a small rock to the westward of the larger island other fur-seals were seen, either females or young males. About one-third of a mile to the westward of this small rock were two larger ones, the nearer rising about 20 feet from the water, the farther about 40 feet. These were covered with sea-lions, there being not less than 500 on the first and 800 on the second.

West Haycock Island lies about 5 miles west by north of East Haycock Island, and is shown on the Admiralty Charts to be 180 feet in height. It was approached from the north, and at that end we saw several fur-seals, about a dozen in all. A landing was effected at one place on this island, but no examination of it could be made, as it was impossible to walk along the shore at that place, and the heavy surf prevented our landing elsewhere. The western side of the island was, however, followed in the boat for its entire length, about one-third of a mile, and fur-seals were seen all along it in groups of two or three, while at the southern end there was a group of eight or ten. These seals did not swim out to sea, but kept along shore, or escaped through some of the rocky channels that separate the islets that line it. A certificate to the above effect was signed by the men who were in the boat with me at this time, several of whom were familiar with fur-seals and their habits, and is appended to this Report.

136 A portion of West Haycock Island and all the islets that surround it are suited for the hauling-out of seals, as, while there is no beach and the shores are steep and rocky, the summits of the islets may easily be reached by the seals. It seems very probable that seals may haul-out there, but it was at the time of my visit too early in the season for them to have done so, and when next I passed these islands, late in September 1892, the weather was so rough that we could not go within several miles of them.

Triangle Island lies about 12 miles to the north-westward of West Haycock Island, and was visited the same day (11th May), but a landing could be effected in one place only. At this place the skull of a fur-seal was found. It lay several feet above high-water mark, but no other part of the skeleton could be discovered. The animal to which it belonged may have been blown ashore during a storm, but no drift wood was found as high above the water. Many hair-seals and fur-seals were seen about the islands, but more of the former than of the latter.

The following day (12th May) Virgin Rocks of the sea-otter group were reached. These lie in north latitude 51° 16′ and west longitude 128° 15′, and consist of a number of rocks, the largest less than 50 feet in height, and not over 100 yards in length; the extreme northern and southern islets or rocks are about half-a-mile apart. The one furthest to the south was visited first, and was found to be covered with sea-lions—several hundred of them. The largest island was then approached, and as the sea-lions by which it also was covered did not take alarm, a careful estimate was made of their number. The lowest count by any one in the boat was 2,000, so that I may safely say that there were at least that many there. No fur-seals were seen at that place or at Pearl Rocks and Watch Rock of the same group, which were afterwards visited. These rocks are in every way suitable for the hauling-out of seals, but the ground is quite occupied by sea-lions.

On the 13th May the "Quadra" struck a sunken rock at the entrance to Rose Harbour, at the south end of Queen Charlotte Island, and shortly afterwards sank. From Rose Harbour I went in one of the ship's boats to Inverness, at the mouth of the Skeena River, whence passage was procured to Victoria. I met at Inverness the Rev. Mr. Collinson, for many years a missionary among the Indians on that part of the coast. He told me that the Indians sometimes saw fur-seals a long way up Portland Canal, and that in February 1889 a great many young seals were taken there. In the description of the Seal Rocks in Portland Canal in the "British Columbia Pilot" occurs the following: "Many fur-seals seen on this cluster, August 1868."* Mr.

* See foot-note, p. 484.

Collinson had himself caught a fur-seal on the shore near Masset, Queen Charlotte Islands, in February; it lived three days. Indians, he said, often saw them ashore near that place.

I reached Victoria the 24th May, and while there Mr. Munsie told me that having heard that seals were abundant north of the French Frigate Islands in the early winter months, he dispatched a schooner—the "Mary Taylor"—on a cruize in these latitudes in November for the purpose of taking seals. The captain reported to him that between north latitude 30° and 40°, and in about the longitude of the Sandwich Islands, seals were seen for six weeks—in the latter part of November and December—but that the weather was too rough to permit of a boat being lowered, and no idea could be formed of the number of seals that might be found in fine weather. The chart on which the track of the "Mary Taylor" was laid down was shown me, and I saw that that part of it referred to by Mr. Munsie was marked to show that seals had been seen there. I was delayed there until the 5th June, when I embarked on Her Majesty's ship "Nymphe," her Captain having been instructed to convey me to Unalaska. The first seals were seen, on the voyage northward, 6th June off Clayoquot Sound, Vancouver Island, and until we arrived at Middleton Island (15th June) seals in greater or less numbers were seen every day, though the loss of time consequent on the wreck of the "Quadra" resulted in my being quite too late to follow the main migration of seals to the northward and westward, as I had hoped to do.

I landed at Middleton Island and examined its shores thoroughly, but found no fur-seals there, nor any trace of their ever having been there. While at this island two hair-seals were shot from a steam-cutter, and though the boat was not easy to turn, both floated until they were secured.

Having heard that Port Etches, Hinchenbrook Island, had been chosen as a rendezvous by the sealing schooners, that place was next visited. Seven schooners were found there, and I spent part of 16th June and the whole of 17th and 18th June in obtaining information from the hunters on these vessels. All were quite willing
137 to answer questions, and I ascertained it to be their opinion that the seals had been found at sea in greater numbers along the coast in this spring (1892) than ever before; that more males had been taken than females; and that, including the losses of inexperienced hunters, not 5 per cent. of the whole number of seals killed or badly wounded are lost. From actual figures given me by these hunters individually I prepared a Table, and found that the number lost by them, by sinking before they could be recovered, was between 2 and 3 per cent.

On one of the schooners, the "Dora Sieward," there was a young fur-seal that had been cut from its mother; it was at that time eight days old. At my request it was placed in the water. It swam about the schooner, attempting to climb up the side, but after six minutes its head began to sink, and when eight minutes in the water its mouth went under, and it was then taken on board the schooner. I learned at Victoria, several months later, that it had lived fourteen days only.

We left Port Etches on the evening of 18th June, and reached Unalaska 25th June. Though seals were in no place abundant, a few were seen every day.

After a short stay at Unalaska, I went on board Her Majesty's ship "Melpomene," and was landed at St. Paul Island 30th June, where I was given quarters by the agents of the North American Commercial Company, and every facility was offered me by them and the Special Agents of the United States Treasury Department for the prosecution of my work.

I remained on St. Paul Island examining the rookeries there, and closely studying the habits of the seals, until the 11th July, when I again embarked on the ship "Melpomene," and reached Unalaska the following day. Learning there that the United States cruizer "Mohican" would start for St. George Island next day, I obtained passage on her, and was landed on that island the 14th July. Four days were spent there, and, in company with Mr. J. Stanley Brown, then in charge of the Pribyloff Islands for the United States, I visited all the rookeries and hauling-grounds on that island.

I arrived at Unalaska again on the 19th July, and was joined there by Mr. Maynard, of Victoria, British Columbia, who had been engaged to take a series of photographs for the purpose of showing the condition of the rookeries and hauling-grounds in 1892. With him I returned to St. Paul Island, and on the morning of the 22nd July the first photographs were taken. All the rookeries had been photographed by the 28th July; and on that day Mr. Maynard and I were taken to St. George Island, where five days were spent, and all the rookeries on that island were also photographed.

On the 3rd August H. M. S. "Melpomene" called for us, and on the evening of that day Mr. Maynard was landed on St. Paul Island, while I remained on the "Melpomene." The following week was spent in cruizing to the westward and northward of St. Paul Island, for the purpose of determining at what distances from the islands seals were found in the greatest numbers. I returned to St. Paul Island on the 10th August, and from that date until the 24th August my time was occupied in noting

the change in the formation of the rookeries, and the number of seals upon them, and in recording all facts of importance relating to seal life that came under my notice. Mr. Maynard during this time was employed in taking a last series of photographs, for the purpose of showing the increased area occupied by seals as the season advanced.

H. M. S. "Daphne" then conveyed Mr. Maynard and myself to Unalaska, where I rejoined the "Melpomene," while Mr. Maynard returned to Victoria.

Bad weather kept the "Melpomene" in Unalaska over the 26th August, but on the morning of the 27th we started on a cruize to the westward. No seals were seen after passing the 172nd meridian, but this was not to be wondered at, as we encountered a succession of gales which caused such a heavy sea that it was almost impossible to stand upon the deck of the ship; and though we cruized two days not far to the southward of the Commander Islands, and a whole day between Copper and Behring Islands, not a seal was even there seen in the water by any one.

A landing was effected on the 3rd September at Nikolski village, Behring Island. No Representative of the Russian Government was then on that island, but I had a long interview with the agent of the Fur Company. He told me that about the usual number of skins had been taken, 32,000, 16,000 on each island, and that he believed there was no decrease in the number of seals on Behring Island, though M. Grebnitsky (the Government Superintendent of the islands, then absent) had told him that on Copper Island a decrease had been noted.

The first sealing schooners had been seen about the islands almost as soon as the seals had appeared, and had continued taking seals the whole summer. I was
138 informed by the agent that much better skins were taken on Behring Island than on Copper Island, those from the latter island averaging from 6 to 8 lbs. only in weight.

Other facts learned at this place will be referred to under their proper headings.

From Behring Island we went to Karaginski Island, in latitude 59°, longitude 164° 30′ east. Great numbers of hair-seals and young sea-lions were seen in the vicinity of this island, but no fur-seals. We were unable, however, on account of continued stormy weather, to go within 5 miles of the island. On the return trip to St. Paul Island we again encountered such bad weather that no look-out could be kept for seals. While the ship was laid to, between noon and 5 P. M., on the 9th September, many fur-seals were, however, seen swimming about in all directions. The ship's position at noon that day was latitude 58° 58′, longitude 177° 8′ west, about 240 miles from St. Paul Island.

St. Paul Island was reached at daylight the 11th September, and on that day a last visit was paid to all the rookeries on that island with the exception of those at North-east Point, and any changes in them were noted. The next day we left the island, and after a three days' delay at Unalaska, for the purpose of taking in coal, and another delay of two days at the Shumagin Islands while the ship's boilers were being overhauled, we reached Victoria on the 25th September.

The following general results of the observations made are grouped under headings corresponding as nearly as possible with those followed in the Report of the British Commissioners for 1891:

Fish near the Breeding Islands.

When I landed at the village on St. Paul Island on the 30th June, cod and halibut were hanging before many of the natives' houses. In answer to my inquiry as to where they had been caught, I was told that they had been taken less than 3 miles from St. Paul Island, and between it and Otter Island.

Up to the 12th September, the date of my final departure from the Pribyloff Islands, natives went out fishing every fine Sunday, and, in fact, every day they were not engaged on work for either the Government or the Company, and good catches of fish were invariably made.

When on St. George Island the 17th July a great many cod were seen hung up to dry, and at dinner that day I asked the United States Treasury Agents and the officers of the Company why they had not fresh fish on the table. I was told that they could be had in abundance whenever wanted, but that they were all tired of fish.

H. M. S. "Daphne," while I was on board of her, was anchored during the forenoon of the 21st July in 18 fathoms of water, one-third mile off Dalnoi Point, St. George Island, and cod, small halibut, and sculpin were caught in great numbers at this time.

A holiday was given the natives on St. Paul Island on Saturday, the 13th August, and many of them spent the day fishing. Their boats were in sight all day between and 3 miles off Lukannon rookery. They returned late in the afternoon with their boats half full of fish; there were many more cod than halibut, though the latter were much the larger fish. I asked the natives how far they went out for fish later in the season; they replied that they never had to go more than 5 miles from land to get all the fish they wanted, and that it was only in September that they went that

far. I was taken to South-west Bay, St. Paul Island, by a crew of natives, on the 23rd August. During the brief time I was ashore they fished about half-a-mile off Zapadnie rookery, catching two halibut and seven cod. These men told me that fish were always very plentiful near the island, but that until 1891 they had never had time during the summer months to catch them; when they were not driving or killing seals, there were the skins to salt and re-salt, the Company's ship to load or unload, and coal and provisions to be brought from the landing-place to the storehouses.

The next day salmon were seen in the lagoon near the village.

When anchored about a mile off Nikolski village, Behring Island, the 3rd September, a great many cod of small size—4 to 8 lbs.—were caught from the ship by the sailors, and at the village I learned that they were taken close to the island at all times. Salmon are to be got during the whole season in the river about 12 miles from Nikolski village, and at the village itself early in the season.

Mr. Baldwin, who has been on St. Paul Island several years, told me that small squid are very numerous close to the islands, and Mr. Townsend, who has in
139 several years been employed as a naturalist on the "Albatross," in Behring Sea, said more than once in my hearing that there was no part of Behring Sea that did not abound with them.

It is thus evident that should seals, whether males or females, require food during the time they resort to the islands (which has not been proved), it is to be had in abundance close to the rookeries, while it is further apparent that the "natives," with the exercise of but ordinary diligence on their own part, are in no way dependent on the slaughter of seals for food.

Virgin Cows.

While on the Pribyloff Islands in July and August of 1892 I endeavoured carefully to note everything that might throw light on the question as to when the virgin females first receive the males, and during that time did not see one female seal that was not either still carrying her young, or whose size did not show that she was of sufficient age to have already had a place on the breeding-grounds. In other words, I never saw a virgin female upon the breeding islands. Every female of small size that was seen moving about the rookeries or leaving the water was watched, and was without exception found either to go at once to some harem where she was plainly at home, or by her manner it was evident that she had young somewhere on the rookery. Very often, too, if watched until they lay down, it could be seen that their breasts were swollen as if full of milk, though this was by no means always the case. Not one cow concerning which I was left in doubt was seen on any rookery, and I feel certain that no virgin cow came ashore at these places.

Mr. J. Stanley Brown, who had been on the islands for some weeks before I reached them, told me (8th July) that he had been carefully watching a number of harems as they grew, and was certain that not one virgin cow had yet come ashore. He told me at this time that he was quite sure that these young females did not haul out with the "holluschickie," but spent the early part of the season in the water in front of the breeding-grounds and came out on them later on, and were then served either by the old bulls or by younger ones near the water. This explanation can hardly, however, be the true one, as were the virgin cows really in considerable numbers in front of the rookeries, they would be seen there at all times; but often, when the day was cold and cloudy, hardly a seal was seen in the water near the islands, though at other times it was black with them. Where are the young females when few seals are seen in the water?

Were it true that the young females are not served until late in the season, they would be either much later in bringing forth their young than the older cows, or they must carry their first young for a much shorter time than those of following years, which is scarcely credible. But two other solutions of the question seemed to me possible: one, that females do not come to the breeding islands, unless in very small numbers, until they arrive there to give birth to their first young; the other, that these two-or three-year-old females haul-out with the holluschickie, and are served by the older bachelors among them. Mr. Brown in August appeared to come to the latter conclusion, and even pointed out to me small seals among the holluschickie, which he asserted to be females. Though asked by me to shoot one or two of these small seals (as females had been shot by his orders a few days before at North-east Point for the purpose of determining whether they had been feeding), he declined to do so. Had this been done, these questions might at once have been decided.

After the harems had broken up, and many of the old bulls had left the rookeries, younger males were observed to come on them, and attempts at service were not uncommon, even by very young bulls, three or four years old. These animals were often seen to tease and worry half-a-dozen or more cows one after another; yet

among the thousands of seals that were watched by me on the hauling-grounds, no attempts at service were ever noted. Had the virgin cows hauled-out with the bachelor seals, attempts at service by the older bulls would have been so frequent that they could not have escaped observation; but not only did I never see anything of this kind myself, but no such instance was ever reported to me.

It seems, then, probable that at least the greater portion of the virgin cows are first served at sea. Bryant speaks* of its being a common thing for young three- and four-year-old males to meet cows in the water as they came from the rookeries, and there perform the act of coition; and though these cows were probably ones that had young ones on the rookeries, many hunters and captains of sealing-schooners with whom I conversed at Victoria and elsewhere assured me that they had often seen seals copulating in the water, and had shot both male and female while they were in the act. The female, in the majority of these cases, was one that had not yet had a pup, though in some instances they were barren cows, and a few were cows with milk in their breasts.

Proportion of Males to Females on Rookeries.

Whenever harems were well defined, and could be readily separated from adjoining ones, the number of female seals was counted. It was found that though there were a few cases in which an old bull would have but two or three cows about him, there were many other bulls which had fifty or more. One in particular, shown me by Mr. Brown, had about him more than eighty females. This was Mr. Brown's estimate. The average number of females in each harem, according to my count, was about thirty, my figures giving a little over that number. My attention was frequently drawn by the United States Agents to what they called the great number of mature bulls that were without harems. Comparing mentally the number of such bulls with those seen on the rookeries last year, I decided, while on the ground, that there were not more than there were in 1891, though an additional number of mature males must have come upon the breeding-grounds. A comparison of photographs taken during the two seasons show no change in the number of bulls without harems. During neither season were there old bulls to be seen in anything like the numbers mentioned by Elliott and others.

Thus, Mr. S. N. Buynitsky says: "Thousands of old bulls, which have become useless for the purposes of propagation and are an incumbrance to the rookeries, might be killed for their blubber."†

Captain Bryant writes: "During the latter portion of the landing time there is a large excess of old males that cannot find room on the breeding-places; these pass up with the younger seals, and congregate along the upper edge of the rookery, and watch for a chance to charge down and fill any vacancies that may occur."‡ And, again: "The number of full-grown males at this date (10th August) may be considered as three times greater than the number required, or equal to one full-grown male to every three or four females."§

Elliott says, writing of the years 1872–74: "At the rear of all these rookeries there is invariably a large number of able-bodied males which have come late, but wait patiently, yet in vain, for families. . . . . All the surplus able-bodied males that have not been successful in effecting a landing on the rookeries cannot at any time during the season be seen here on this rear line. Only a portion of their number are in sight; the others are either loafing at sea adjacent, or are hauled-out in morose squads between the rookeries on the beaches."‖

And, again: "300 or 400 old bulls were killed to supply skins to furnish the natives with canoes." Not that number could have been secured in 1892 had the bulls without harems been driven from every rookery on both islands.

The greatest number of bulls in proportion to the cows on the rookeries were to be found at North-east Point. I visited the rookeries there in company with Mr. Brown on the 2nd July. He drew my attention to what he called the excessive number of old bulls without harems, and there certainly appeared to be a great many, but knowing that their great size render them conspicuous, I carefully counted all that were to be seen in the vicinity of the rookeries at this place. The bulls near each rookery were counted three times, and the totals of the three counts were 94, 89, and 91 respectively. There may have been a few hidden behind rocks, but certainly not more than a dozen in all. Placing the total number at 100, and allowing

*Allen, "Monograph of North American Pinnipeds," pp. 386, 390, 405, and 406; "On Eared Seals," pp. 96 and 100. See also Veniaminov as to virgin cows remaining away from islands.

† H. R., 50th Congress, 2nd Session, Report No. 3883, p. 3.

‡ Allen, "Monograph of North American Pinnipeds," p. 384.

§ Ibid., p. 390.

‖ Census Report, pp. 36, 37.

twenty cows for each bull, there were enough bulls on this rookery to serve 2,000 cows more than were there. This is assuming that all were of an age and condition that fitted them for service. Many of them showed the "grey wig," which proved them to be not yet fully grown, while others were without doubt worn-out old bulls, no longer fit for service. That the majority of them were in this condition is proved by the fact that though attempts at service by "grey wigs" were
141 not infrequent, I never saw one of these old bulls pay the slightest attention to any females that might pass near them. At Zapadnie rookery (3rd July), Mr. Brown, Mr. Townsend, and I noticed on several occasions a cow escape from a harem and lie down at some distance behind it, but in only one instance was any notice paid them by bulls near by. In this one instance the cow endeavoured in many ways to attract an old bull's attention, rubbing her nose against his, and striking him playfully with her flippers; he made some faint response, but after a minute or two lay down and went to sleep again. Two other bulls lying near them raised their heads once or twice to observe what was going on, but no attempt was made to serve the female.

There were in 1892, in my opinion, more old bulls without cows in the vicinity of the rookeries at North-east Point than the combined number on all the other rookeries. At Tolstoi rookery (3rd July) but one old bull without a harem could be detected at the south end of the breeding-ground, where a good view can be had of a great part of the rookery.

On St. George Island there were, in proportion to the total number of seals, even fewer bulls than on St. Paul Island. On the 15th July there were not a dozen along the whole extent of North rookery, and but two were seen at Little East rookery, and two at East rookery. Zapadnie was visited the next day, and not a dozen were to be seen there.

So many statements have been published to the effect that old bulls without harems are always to be found in large numbers near breeding-grounds, that it would seem that the rookeries on St. Paul Island are nearer their normal condition than those on St. George.

Pups Swimming.

The first pups I saw swimming in 1892 were in the water in front of North rookery on St. George Island the 18th July. The day was bright and warm, and the tide at the time of my visit was just beginning to flow. A great many pups were playing in the pools among the rocks near the edge of the sea; in one place there were forty or fifty together, and in many others more than half that number, while all along the shore the young seals were in little groups of from three to ten. No old seals were near them but those swimming about in the water and those going to and coming from it. As the tide came in some of the pups slowly retreated, but many of them remained among the rocks until the water was some distance beyond them. They played about in much the same way as holluschickie do, and swam from one rock to another and back many times with no appreciable interval of rest. I, neither at this time nor on any other occasion, saw an old seal attempt to teach a pup to swim, nor carry it to the water, nor did I ever see anything that would lead me to suppose that pups *learned* to swim; on the contrary, a pup cut from its mother can swim for a long time. Ten days later these pups had increased considerably in size, and were swimming and playing about in the water in great numbers, seeming as much at home there as the older seals did; a few of them were 50 or 60 yards from the shore diving without apparent effort through the large waves that were coming in.

Early in August pups had begun to haul-out with the holluschickie on the north side of Lukannon rookery nearly a mile from the rookery, and by the middle of that month a great many were to be seen far from the rookery grounds.* They were, of course, in greatest numbers in front of and near Lukannon, Ketavie, and Reef rookeries, but they extended in an unbroken line from Lukannon to the landing-place at the village, in places mixed with holluschickie, but very frequently there were no older seals near them. At Black Bluff and between Zoltoi Sands and the village landing-place large bands of pups swam about from place to place or hauled-out on the rocks and sand. It does not seem possible or probable that the mother seals could find their own young ones among so many and at such a distance from the breeding-ground, and during the whole time I was on the Pribyloff Islands I never saw a female seal suckle a young one except on a rookery.

From the time pups first go into the water they are to be seen with pieces of seaweed in their mouths, and there is no reason for doubting that from this time until they leave the island at least a considerable portion of their food is composed of seaweed picked up along the shore or in the waters adjacent to it. Mr. Elliott says†

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* See Elliott.

† "Our Arctic Province," pp. 330, 331.

that he knows fur-seals feed to a limited extent upon crustaceans and squid, and also to eat tender algoid sprouts. Pups, he believes, live upon crustaceans and
142 squid for the first five or six months they are at sea. Squid, as has been shown in another part of this Report, are plentiful near the seal islands.

When on St. George Island in 1892, Captain Webster told me that after he raided Robben Reef in 1870 there were about 600 pups left when the older seals had been killed. When he sailed away from the islands "they were getting fat along the shore. At every low tide they would go down to the beach and pick up pieces of soft sea-weed, and possibly small fish, though this is doubtful." Mr. Redpath, many years a resident on the Pribyloff Islands, also expressed to me his belief that "pups" feed upon sea-weed. Mr. H. S. Browne, who was on Copper Island in 1892, told me that he saw little pups about the middle of August eating small squid and other things along the beach, and that he never saw the mother going near the little "bunches" of seals that were hunting for food for themselves along the shore.

Habits of Female Seals when Suckling.

Within a few hours after a pup is born it receives its first nourishment from the mother; and for some days, while the mother remains about the harem and the pup is too young to wander far from it, there can be little or no doubt that each mother seal suckles her own young one alone.

It was not until the 1st July that I first noted pups forming "pods," or small separate herds; every harem was still well defined, but the pups belonging to each had begun to show greater activity, and the older ones had to some extent formed little "pods" a few yards distant from the mother seals. By the 5th July it was noticeable that the pups from adjoining harems had "podded" together between them, while the harems themselves were still, with a few exceptions, compact and well defined.

The cows had not yet begun to go to the water. The few wet ones seen upon the rookeries were without exception females that were still carrying their young. The seals on a great many small harems were counted, and it was always found at this time that the pups and cows were in about equal numbers. Within the next week, however, the cows began to go into the water, but not in great numbers. They seemed content to swim about near the shore, and were often seen hauled-out on some flat rock after they had been but a few minutes in the water, and, after scratching themselves for a little while, would plunge again into the sea, swim to shore, and go back to the harem to which they belonged.

On St. George Island, 15th July, as I sat on the low cliffs overlooking a part of North rookery, I saw three cows come ashore. One of these was still gravid. Each of the others, on coming out, turned her head about from side to side uttering at short intervals a cry used by most female seals as they come ashore. In each case several pups went towards the cow; in one instance five were about her at one time. These were smelt or nosed over and shoved away, or struck gently with a flipper, and one by one they dropped off. The cow then moved slowly back towards the rear of the rookery. She was "attacked" by nearly every pup she passed close to. These she put away from her, calling out from time to time as if for her own young one. Amongst the first pups that had approached her was one that persistently followed her, attempting to suck every time she stopped, several times securing the teat, while the cow nosed over other pups. It was evident that the mother seal was searching for her own young one, and that she thought that the pup following her was not it, as, often while the young one was close beside her, the cow would stop at a pod of pups and examine and smell every one of them. Whenever this pup attempted to suck and was seen, or perhaps felt, by the mother seal, it was pushed away and she moved on, followed as before by the pup. She reached at last a small harem near the back of the rookery, where she lay down on her side and was soon asleep. The pup immediately began to suck, stopping whenever the cow awakened, which happened at very short intervals, and beginning again as soon as the cow slept. It was at last satisfied, and lay down at some distance away and went to sleep. The milk had been taken from the two breasts that were uppermost, the cow not having turned over (as is usual when a cow is suckling her pup) during the fourteen minutes the interrupted nursing was going on. At such times, the cow usually places herself so that all four breasts can be reached by the young.

The second cow, referred to above, did not find her own pup, nor did I see any pup succeed in getting milk from her. She went quietly to her own harem, and after a few minutes went to sleep.

On the 18th July, on North rookery, St. George Island, a cow was seen by me to come from the water, and, after calling out as if for her young one, she was
143 approached by several pups, as had been noted frequently before; and, as is usual when cows come from the water, these pups attempted to suck, but were driven away. One peristently followed her; the cow smelt it over many times,

as if uncertain whether it was her own or not, but did not stop, and pushed the pup from her. Though the pup continued following her, the cow did not cease crying out at intervals in the manner peculiar to them when calling for their young ones. Other pups came to her, which she smelt in the usual way, but finally she lay down and allowed the pup that had been following her from the first to nurse. If this pup were her own, it would seem that the female was for a long time uncertain whether it was so or not, for, while the pup kept up with her most of the time, and was often beside her, she continued to call out as if dissatisfied, and did not cease smelling all the pups that came to her. It is noteworthy that she did not go to the back of the rookery-ground, but, after reaching the middle of it, moved about to the right and left for more than fifteen minutes, the pup following her, and lay down at last on a rock that she had passed several times. Were the pup her own, there is no apparent reason why she should not have lain down when first joined by it. Had the pup not followed her and finally been allowed to nurse, her actions were such that any one must have concluded that, for more than fifteen minutes, she had been searching for her pup without finding it.

In both cases referred to above, the pups persisted in following the cows, though repulsed by them, and, while in one instance the cow laid down and went to sleep, the pup then helping itself; in the other, the cow, after a long delay, and in evident uncertainty as to whether the pup were her own or not, voluntarily suckled it. Instances similar to these were noted whenever any considerable time was spent in watching a particular part of a rookery.

At any time pups might be seen nursing everywhere on the rookeries, but it was not often that a female was actually seen to come from the water, and, within a short time, find a pup to nurse, as would be expected if it were true that she had been a long distance out at sea, and perhaps many days absent from the rookery. When females were seen to come from the sea and soon afterwards allow a pup to nurse, it was generally under circumstances such as those above referred to.

On the 16th of July, at Starry Arteel rookery, St. George Island, I watched five female seals come from the water at different times. All called out at intervals as if for their young ones As they slowly made their way among the harems many pups attempted to nurse, but none were allowed to do so, and every one of these cows, after wandering about for some time in an apparently aimless manner, lay down and went to sleep without having given up any milk.

On the 30th July at North rookery, St. George Island, the most suitable place on either island for such observations, two hours were spent in observing the cows as they came ashore, and though a great many were watched from the time they landed until they either lay down to sleep or returned to the water, not one was seen to suckle a young seal. These and similar instances lead me to believe that, though for some days or perhaps weeks after a young seal is born it is suckled by its own mother alone; after the young seals begin to pod together along the shore, and the females to go into the water, little attention is paid to them by their mothers. Females suckling young are to be seen on the rookeries long after the older pups have begun to go into the water, but these may in the majority of cases be the latest-born pups. From my observations on the rookeries of St. Paul and St. George Island, I cannot but believe that the female seals are often uncertain whether young seals that nurse are their own or not, and that many pups nurse without the old female being aware of the fact, so that there is little chance of a very young seal starving to death unless it wanders quite away from the breeding-ground, and I am sustained in this belief by the fact that I never saw an emaciated or weak-looking pup on that part of a rookery nearest the water.

It was a common thing on both islands to see pups that were lying near mother seals go quietly to them and nurse without the females paying any attention to them, or apparently knowing that the pups were helping themselves. When in Victoria, British Columbia, in October 1892, Mr. H. S. Browne told me that on the Auckland Islands he had watched more than one pup suck from the same cow, and had heard there that when a mother died the pup would be suckled by another female.

I was repeatedly told by Agents of the United States Government that whenever females were seen coming from the water they had been out to sea for food. This was manifestly absurd, as when the morning was cold it was apparent that few seals were absent from the rookeries, but if the sun afterwards came out, or the day grew warmer, hundreds of seals would be seen going to the water, and late in the
144 afternoon, or towards evening, as it became cooler, they would return to their respective harems. At such times the water from 100 yards or so in front of the rookery would be black with seals, while further out but few—and sometimes none—were to be seen. Many females were watched from the time they left the harem until they were lost among the multitude of swimming seals. They would slide into the water and roll about with evident enjoyment for a few minutes, and then come out upon some rock; after a short rest they returned again to the water. Though a careful watch was often kept, no cow was ever seen by me to enter the water and swim out to sea.

On the 23rd July, at Lukannon and Ketavie rookeries, more than half the seals were in the water, but careful examination, through field-glasses, of the sea in front of these rookeries, neither showed seals coming towards the land nor going from it.

During the seasons of 1891 and 1892, but more especially in 1892, I spent much time at sea in the vicinity of the seal islands, and during both seasons kept a careful count of the number of seals seen in the water. It was noted in both years that while the seals were very abundant in the immediate vicinity of the rookeries, and a few were always to be seen between 2 and 3 miles from the islands, very few were after that to be seen until we had gone a long distance out to sea. It is thus evident that the number of seals going to and from the islands is very small.

On the 11th September, when, on H. M. S. "Melpomene," we steamed from North-east Point to the village of St. Paul—a distance of about 11 miles—being never more than three miles from the shore, and most of the time much nearer to it, when off North-east Point, Polavina and Reef rookeries, thousands of seals were, with the aid of field-glasses, seen playing in the water near the shore, but very few close to the ship at the distance stated from the land.

No visit was paid to any rookery on either St. George or St. Paul without a careful examination of the rookery and hauling-grounds being made, for the purpose of recording the amount of excrement to be seen on them; the matter being of importance in connection with the question of the feeding or abstinence of seals during the breeding season. Shortly before labour began a female was sometimes seen to void a small quantity of excrement; once only, in addition to this, did I see excrement on rookery-ground that had not been voided by pups. In the instance referred to, Mr. Brown, who was with me at the time, said that it was probably from a female that had recently come ashore.

In this connection Captain Bryant may be quoted.* He says: "I found, in a few instances, where newly-arrived seals had made a single discharge of red-coloured excrement, but nothing was seen afterwards to show that such discharges were continued, or any evidence that the animals had partaken of food."

Mr. Vincent Colyer, in his Report to the Secretary of the Interior, dated 18th February, 1870, likewise says: "The assertion that the fur-seal eats but little food from June to September may be true; certainly, there was little or no offensive excrement even in October, when I believe it is acknowledged that they do get some food from the water."†

On the 27th July a large piece of fresh, light-coloured excrement, firm, and of cylindrical form, was noticed on the ground where holluschickie had been; a great many worms, such as are found in seals' stomachs, were mixed with it.

A large harem, the resort of over 300 seals, near the west end of Reef rookery, was visited by me almost daily, and excrement was always carefully looked for. This harem lay just beneath an overhanging bank, and the opportunities for observation were excellent; but, though between twenty and thirty visits were made to this place, no excrement was ever seen either on the breeding-ground or the slope leading to it, with the exception of very small pieces voided by pups, which differs greatly from that of older seals, both in shape and colour. While it is certain that holluschickie go to and from the water at all times, and when the weather is warm quit the land almost *en masse*, there is no satisfactory evidence to show that they feed while in the water. Several hundred stomachs were opened in my presence during the summer of 1892, and no trace of food was found in any of them, though, while struggling together in the killing-ground, some of them voided a small quantity of dark yellowish excrement.

Elliott, however, says that they do eat when they go out to sea.‡ He refers also to the fact that the supply of seals on the hauling-grounds is kept up during the summer by new arrivals from the sea; and Mr. George Tingle, in a letter dated 18th July, 1890, and addressed to Mr. C. J. Goff, the Treasury Agent in charge of the
145 Pribyloff Islands, says: "We have every reason to believe, from the *marked increase* of *new* arrivals of *fine seals*, that, if we were allowed to continue our killing under the law, we could fill our quota of 60,000 skins."§

There can be no doubt that immense numbers of seals resort to Behring Sea during the summer season that do not go to the islands at all, or, if at all, only very late in the season.

Seals are to be seen south of the Aleutian Islands in July and August, in considerable numbers; and late in July in 1892, a great many seals were seen from H. M. S. "Daphne" not far from Cape Cheerful; while it was reported to me that, a few days before this, large bodies of seals had been seen from the United States cruizer "Yorktown" near the same place. About 25th July a whaling vessel arrived at

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* "On Eared Seals," p. 101.

† H. R., 41st Congress, 2nd Session, Ex. Doc. No. 144, p. 5.

‡ Census Report, p. 44.

§ Senate, 51st Congress, 2nd Session, Ex. Doc. No. 49, p. 27.

Unalaska, and reported that there were more seals outside Unimak Pass than had ever been seen there before. These seals must have been non-breeding seals, that is, holluschickie or virgin and barren cows, possibly all three.

Mortality among Young Seals.

The causes that lead to the destruction of pups on the breeding islands are, so far as they have been noted by me—

(*a.*) The wandering away of the young seals from the vicinity of the breeding-grounds, and subsequent failure to find female seals from whom they can obtain milk. This seldom occurs where a harem is situated between a cliff and the water, or backed by rocky steeps, as at Lukannon rookery on St. Paul Island, and parts of North rookery on St. George Island. Pups can most easily lose themselves when on such rookeries as Polavina, Reef, or Upper Zapadnie on St. Paul Island, and Zapadnie on St. George Island. At these places they frequently wander a short distance to the rear of the occupied rookery-ground, and are soon lost, especially if boulders lie between them and the breeding-ground. A pup's confusion is naturally much greater at such places as Sea Lion Point or at Reef rookery, where, on going but a short distance inland, cries of seals can be heard from both sides of the point. Two or three pups so lost were seen by me every time I visited Reef rookery, and seldom with strength enough to move more than a few yards, if at all. These pups of course die, and are, with few if any exceptions, dragged away and eaten by foxes. While scattered dead pups were always to be seen on the open ground between the rookeries on Reef Point, none that had been dead more than a few days were ever noted, though partly-eaten carcasses were not infrequent, so that the number of carcasses seen at any one time includes but a small part of the whole number that have died.

During the months of July and August a great many females were watched as they came from the water, and although in a few cases they were seen to go to the extreme back of the occupied rookery-ground, none were seen to go beyond it.

(*b.*) Many pups lose their lives when stampedes occur, and many others when bulls dash among the breeding females and their young to prevent the escape of a female from the harem.

The scattered dead pups that are to be seen on all rookeries have been destroyed in either of these ways.

(*c.*) A few pups probably lose their lives in the surf, or by being dashed upon rocks, but the number must, under ordinary circumstances, be very small. As early as the 18th July, and on many occasions afterwards, pups were watched while in the water close to the shore, and though they were often thrown with great force against the rocks, no pup was ever seen to receive the slightest injury. These causes of death to young seals were noted by me, but are obviously insufficient to account for the great mortality among the pups on Polavina and Tolstoi rookeries.

While standing beside the camera at Polavina rookery on the 22nd July I counted 143 dead pups; they were of the same size as the living pups near them, and exhibited no sign of having died of hunger, nor did it appear that they had been crushed to death in a stampede, as those that could be seen were at or near the limit of the rookery-ground. No estimate could be made of the number of dead pups that were lying on this rookery, as the seals lay so closely together on its southern and eastern slopes that but a small part of the breeding-ground was visible. Professor Everman
(a naturalist on United States Fish Commission steamer "Albatross"), who was
146 with me at this time, and who counted 129 dead pups, thought, with me, that if so many were to be seen at the outer edge of the rookery-ground, the whole number must be very great, and about a month later (20th August) I had ample proof that this was the case. I revisited Polavina rookery on this date with a native, Neh-an Mandrigan. This man speaks and understands English very well, and was at this time on his way to Northeast Point to take charge of the guard-house there. A great many dead pups were lying at the south end of the rookery, nearly or quite as many as were to be seen on Tolstoi rookery. They were lying on a sandy slope between the water and the rocky ledge that separates the lower from the higher parts of this rookery-ground, and were rather more grouped together than at Tolstoi, from 10 to 100 lying quite close together, with spaces from 5 to 10 yards square between the groups. There were individual dead pups scattered everywhere over this rookery as on all others, but on that part of it referred to above the number was very great, and the ground on which they were lying was quite deserted by living seals. They extended as far as could be seen along the rookery, but as only the front sloping to the south could be seen, the number beyond the point to the northward could not be estimated. It was at the south end of this rookery that the British Commissioners report having seen a few hundred dead pups in 1891. Photographs taken the 5th August show this ground with the breeding seals still upon it, but many dead pups may also be seen. The native Neh-an Mandrigan was asked how he accounted for so many dead pups; he replied that he thought they had been killed when the old

bulls were fighting, but a few minutes later said that he was mistaken, that their mothers must have been killed at sea, and the pups have died for want of food. He at this time told me that he had never seen so many dead pups on any rookery before. He had seen those on Tolstoi rookery in 1891, but had not visited that place in 1892.

Dead pups were first noticed by me on Tolstoi rookery the 19th August, though photographs taken by Mr. Maynard on the 8th August, while I was on St. George Island, show that at that date there were nearly, if not quite, as many of them on this rookery as there were ten days later.

At the time I first noticed the dead pups I counted over 4,000, but they lay so closely together that it was impossible to judge what proportion to the whole number was seen. I was told by the Treasury Agents on the island, and have no no reason for disbelieving their statements, that when this rookery was carefully examined late in 1891 as many or more dead pups were found among the rocks or other parts of the rookery as were on the open space, and seen and specially remarked upon by the British Commissioners in 1891. This being so, it is reasonable to assume that such would be the case again this year. The dead pups noticed by me were on the same ground on which those seen last year were lying, but were scattered over a larger area, and in much greater numbers.

I accompanied the British Commissioners when they inspected Tolstoi rookery in 1891, and the date of my visit to that rookery this year coincided with their visit to it last year. Depending upon my memory alone, I had no hesitation in deciding that there was a greater number of dead pups at that place in August this year than at the same date in 1891, and a comparison since my return from the islands of the photographs taken during the two seasons proves that this is undoubtedly the case.

The pups when I first saw them appeared to have been dead not more than two weeks, and nearly all seemed to have died about the same time. Very few were noted that were in a more advanced state of decomposition than those about them, and the dozen or so that were seen were probably pups that had died at an earlier date, and from some other cause than that to which this unusual mortality among the young seals is to be attributed.

The photographs taken on the 8th August show that at that time there were several groups of seals hauled-out on ground on which the dead pups lay, but on the 19th August it was almost entirely deserted by the older seals. This rookery was revisited on the 21st August, and at this time an estimate was again made of the number of dead pups. A large band of holluschickie on their way from the water to the hauling-ground at the back of Tolstoi rookery had stopped to rest on the ground on which the pups were lying and hid a part of them, so that on this occasion a few less than 3,800 were counted. On the 23rd August I again visited Tolstoi rookery in company with Assistant Treasury Agent Ainsworth, Mr. Maynard, the photographer, and Antone Melavedoff, who is the most intelligent native on St. Paul Island, and has charge of all the boats and store-houses belonging to the Company. This native acted as boat-steerer at the time the British Commissioners visited Tolstoi
147 rookery in 1891, and that I might learn his opinion regarding the relative number of dead pups for the two years 1891–92, I asked him to accompany me on the occasion referred to above. When asked whether there were as many seals in 1892 as in 1891, he replied: "More; more than I ever saw before." I, at the time, asked Mr. Maynard to pay particular attention to what was said, and he has since made an affidavit to the above effect, which is appended to this Report.

My last visit to Tolstoi rookery was made on the 11th September. No living seals were to be seen on that part of the rookery-ground on which the dead pups were, and it was now apparent that they extended further to the left than is shown in the photographs taken of them; that is to say, a part of the ground on which seals are shown in these photographs had dead pups on it which at that time could not be seen; this would add several hundreds to my former estimate of their number. No pups that had died recently were to be seen anywhere. It seems reasonably certain that all the dead pups seen on this part of Tolstoi rookery died at about the same time, and I would include with them all, or nearly all, that were lying on the beach. These were doubtless thrown up by the sea, but there is no evidence that they were killed by the surf. The shore is sandy, and there had not been a heavy sea breaking upon it for more than a month previous to the date the dead pups were first seen. It seems possible that the mortality among these young pups was the result of an epidemic that ran its course in a few days, and attacked only a small portion of the young pups. That their deaths were not caused by starvation was very evident, as they were, with few exceptions, large and well developed, not small and emaciated, as is almost invariably the case with those that are known to have wandered away from the breeding-grounds and died of starvation. It is usual for young seals that are hungry to congregate at the water's edge and there await the arrival of females, returning from the sea to the breeding-grounds. I have on many occasions noted young pups whose continued cries were evidence that the little creatures were in want of food, and invariably pups in this condition were the most persistent in their endeavours

to take milk from the breasts of cows as they landed, and would follow them for as great a distance as their strength would permit, returning slowly to the water's edge when the cow was lost sight of. Had the dead pups seen on Tolstoi and other rookeries died of starvation, they would without doubt have been found in masses near the sea, not scattered over all parts of the breeding-ground, and were it possible that they had been killed by the surf they would have been lying in windrows, as was the case at South-west Bay, where, on the 23rd August, 133 dead pups were found lying among sea-weed at different distances from the water. Bare spaces from 10 to 30 yards in width, on which no dead pups lay, separated these windrows of sea-weed, showing that the high-water mark had changed from day to day. The pups at this place were in all stages of decomposition; a few had died within a day or two, while little remained of others but their bones, with fragments of skin attached. Pups are constantly swimming across South-west Bay from Upper to Lower Zapadnie rookeries, and it is probable that those lying on the beach represent nearly all that had been drowned, or had from any cause died in the water in the immediate vicinity of this small bay, as the shore is steep and rocky on both sides of it, and anything floating about is almost certain to be thrown up on this sandy beach.

At North-east Point, on the 20th August, all the rookery-ground visible from Hutchinson Hill was carefully examined with a field-glass. A few dead pups were to be seen here and there on all parts of the breeding-grounds, and in one place at no great distance from the water, but on higher ground than could be reached by the sea, at least 500 were visible from Hutchinson Hill. The ground on which they lay much resembled that on which dead pups were at Tolstoi and Polavina rookeries, but was not of nearly so great an extent. They lay scattered about as at Tolstoi, not in groups as at Polavina. A careful examination was made by me of all the rookeries on St. George Island, both before and after the dead pups had been noted on St. Paul, but none were seen there with the exception of a very few scattered ones, such as are to be seen on all rookeries.

Whites and natives on the islands were unanimous in saying that the mothers of the pups found dead on the rookeries had been killed at sea, and that their young had then starved. During the months of July, August, and September, I had frequent opportunities of conversing with the officers of nearly all the ships stationed in Behring Sea, both those of the United States and of Great Britain, and all agreed that it was not possible for a schooner to have been in and out of Behring Sea in 1892 without being captured (see statement in Appendix (C) of Captain Parr, the
148 Senior British Naval Officer stationed at Behring Sea). The cruizes of the various ships were carefully arranged by Captains Parr and Evans, and so planned that no part of Behring Sea to which sealing vessels were likely to go was left unprotected. H. M. S. "Melpomene" and "Daphne," and United States ships "Mohican," "Yorktown," "Adams," "Ranger," "Rush," and "Corwin," were engaged in this work. No skins worth taking into account were found on the small vessels that were seized, and most of those they had on board were doubtless taken outside Behring Sea, so that to whatever cause the excessive mortality among these young seals is to be attributed, sealing at sea can have had nothing to do with it in 1892.

Without fully indorsing what Bryant says on this subject, he may be quoted. He writes: "When the sun shines for two or three hours and the rocks become heated, there are occasional deaths among the beachmasters and very young pups from sunstroke, the symptoms being a nervous jerking of the limbs followed by convulsions and death. Fortunately the occurrences are rare, and it was only in 1874 that any appreciable number were lost from this cause. That year many young seals died about the 1st August.*

Were sunstroke suggested as the probable cause that led to the death of the pups found on St. Paul Island in 1891 and 1892, the positions in which they were found and the nature of the ground in which they lay would favour this theory. Were the sun to shine for even a few hours upon the smooth hard ground of the rookeries, it would become so hot that serious injury or death to the young seals might be the consequence, as it is well known that even the old seals dislike and are seriously affected by heat.

Special inquiry was made by me at the Commander Islands during the first week in September as to whether young seals had been found dead in 1892 in larger numbers than usual, and several of the oldest natives were questioned by me on this point. I was told by them that none had been seen there but a few that had been killed by the surf or had wandered away from the rookery-grounds, and yet there were many schooners sailing from United States ports sealing in the vicinity of these islands during the whole season, and in July and August a great many schooners came from the American coast and sealed in Asiatic waters; many thousand skins were taken there, probably more than in any one season on the American side of Behring Sea, but no increased mortality was noticeable in the number of dead pups

* "Monograph of North American Pinnipeds," p. 408.

on the rookeries. The skins of the dead pups that die on the Commander Islands are taken off by the natives, and a small price is paid for them at the Company's store. The men examined by me had been recently at the rookeries for the purpose of procuring such skins, and reported that they had got no more than usual, and the agent of the Company corroborated their statements.

Natural Indications of former extent of Ground occupied by Seals on the Pribyloff Islands.

While on the Pribyloff Islands in 1892, my attention was frequently called to the yellowish grass (*Glyceria angustata*), which grows in the vicinity of all the rookeries on both St. Paul and St. George Islands. It was asserted by the United States Treasury Agents that this yellow grass marked the limit of the ground that had within recent years been continuously covered by seals, which, if correct, would tend to show a very great decrease in seals frequenting the islands during this time. During the entire season, careful note was made of all facts that could have any bearing upon this question.

I noticed at the time of my first visit to a rookery on St. Paul Island in 1892 (1st July) that much of this grass-covered ground was dotted with boulders of various sizes, upon which were mature lichens. Even small stones that were less than a foot above the ground were completely encrusted by them, affording incontestable proof that even were it admitted that the yellow grass, in all probability, marked the ground upon which seals have been at some time or another, its presence is no evidence that the ground had been occupied by them within recent years.

The climate of the Pribyloff Islands is in every way suited for the rapid growth of lichens, and every rock and stone that has been undisturbed for a sufficient length of time is covered with them.

Soon after the islands came under the control of the United States an embankment was built at the back of the house now occupied by the agents of the North
149 American Commercial Company. It rests upon a base or foundation about 4 feet in height, composed of small boulders and broken pieces of stone laid one above the other, but not fastened together by mortar or any other cement. The rough surfaces of these rocks afford the spores of lichens a much better chance of fixing themselves than the seal-polished rocks near rookeries or hauling-grounds.

Lichens are now growing on a part of the rocks of which the foundation is composed, but many of them—the smoother ones—are still quite bare. Only four have on them lichens on which apothecia are apparent, and in these cases they are only partially developed, and many years must elapse before they reach maturity. It is thus evident that under the most favourable conditions, at least twenty years are necessary for the full development of lichens growing on these islands. The same or closely allied species on the coast of England have been found to require at least twice that length of time to fully mature.

In 1884, a wall was built behind a new store erected by the Alaska Commercial Company. On a few of the stones of which it is composed lichens are beginning to grow, but there are none that show the slightest signs of fructification. In 1885, new embankments were built at both ends of the one first referred to above, or, rather, it was extended in both directions. On none of the rocks at the bases of these recently built embankments are lichens to be seen with the exception of five, on which are growing a few small plants without apothecia, and in every one of these cases remains of old dead lichens are to be found on the same rocks which were doubtless there when the stones were placed.

It is an accepted fact that lichens increase much more quickly during the early stages of their growth than after they have begun to mature, and while they may in a comparatively small number of years give evidence of bearing apothecia, a much longer time must elapse before they mature. The attention of Mr. J. Stanley Brown and Mr. Townsend was called to the lichens growing on rocks on the breeding-grounds, and to there being few or none on the embankments referred to above. Mr. Townsend had collected several specimens of rocks on which lichens were growing, "in order that," as he said, "I may show how soon after seals have been on the rocks they become covered with lichens," but when shown the walls on which no lichens were growing he at once threw his specimens away.

As more than three-fourths, probably four-fifths, of the ground now covered by yellow grass is also dotted with rocks on which mature lichens are found, it is certain that seals have not been upon such parts of the rookery-grounds for many years, for in dry weather these lichens are brittle, and would crumble and break off were even a small number of seals to drag themselves over them, and when a rock is damp a single seal passing over it rubs off all lichens touched by it. Seals driven from the "parade ground" on Reef rookery pass behind that part of it called Garbotch, and, for about 100 yards over what was formerly a part of Garbotch rookery. The rocks at this place have been completely bared of lichens on the sides that are come in contact with by the seals as they travel over them, while on the opposite side they exhibit in most cases lichen-covered faces.

When on St. George Island, I noticed (15th July) at the western end of North rookery, that a small band of bachelor or young male seals, numbering not more than 200, had chosen a new place for climbing up the bank that sloped from their hauling-ground to the sea, or at least a part of the slope that had not been used for many years, as it was covered with large tufts of grass from 18 inches to 2 feet in diameter, and with flowering plants of many species. The rocks, too, were covered with lichens, except in the centre of the little depression up which the seals climbed; here they had been all rubbed off. The tussocks of grass were in some places worn down quite to the ground, and along the line travelled over by the seals when going to or from the water had been worn away. Two weeks later I visited the same place, and found that, while the number of young seals hauled-out there had not increased, the ground over which they moved in their passage to and from the sea could not be distinguished from that over which seals were known to have travelled for many years. All forms of vegetation had disappeared from it, while no lichens were to be seen on any part of the rocks they passed over, except on such places as from the shape of the boulders could not have been touched by the seals' bodies.

The yellow grass above mentioned (*Glyceria angustata*) is by no means peculiar to occupied rookery-grounds. It grows on many places on both islands, that are either not now frequented by seals or never have been. At Kursoolah, a bay between Zapadnie rookery and South-west Point, the ground is covered for a long distance with a thick, though short, growth of this grass, to the complete exclusion of other forms of vegetation. Seals have not been known to visit this place for many years. What length of time ground that has been rubbed bare and beaten down by seals would remain in that condition is uncertain, but when grass begins to grow upon it only a few blades appear the first year, the second year it forms little clumps that sometimes bear seed, while the third year it attains considerable size, a clump then being from 4 to 6 inches in diameter. It is impossible to determine the length of time required for these clumps to become united so as to form a compact sward.

Early in the month of July 1892, Mr. Brown, Mr. Townsend, and I marked out a small plot of ground about 20 yards square at the back of Reef rookery. A few small bunches of grass of three or four blades each were growing upon it. This spot was visited many times during the summer, and as late as the 13th September, but no change in the grass growing on it was apparent. This particular piece of ground was chosen, as we all three were certain that it had not been occupied by seals in 1891. There were large tracts of yellow grass between this plot and Reef rookery on the one hand and Garbotch rookery on the other, proving the ground to be well adapted to its growth; yet in two years the grass that had grown upon it would not continuously cover a square yard.

In only one instance was grass found growing on ground on which seals were known to have been within a year; this was at Zapadnie rookery on the 12th August. Mr. Brown pointed out to me at this time a small area near the southern limit of the rookery, on which, he said, seals had been lying early in the season. There were none on it at the time of our visit, but in a drain-like depression that ran across it little clumps of *Deschampsia cæspitosa* were growing; no young plants of *Glyceria angustata* were to be seen. *Deschampsia cæspitosa* might be called the characteristic grass of the islands, as it grows everywhere except in very sandy soil or on the moors and high uplands. Almost every square yard between Tolstoi and Zapadnie rookeries and Bogoslof Mountain is covered with it. It reaches to the limit of most of the rookeries, and in many places where the ground has been long unoccupied by seals, it is encroaching on "the yellow grass limit." I had, however, never before seen it growing nearer than *Glyceria angustata* to occupied rookeries. I made a careful examination of the ground on which it was growing, and found that the little depression referred to above extended back to a large patch of *Deschampsia cæspitosa*, from which the seeds had doubtless been carried. No other similar case was afterwards noted on any part of either island.

When seals have been in considerable numbers on rookery-ground, it becomes so smooth and hard that, except in rare instances such as that mentioned above, seeds could not possibly take root and grow upon it until at least one year had passeed, and, as shown above, many years must then elapse before the ground becomes entirely covered by grass.

At South-west Point (Seelah) Mr. Brown called my attention to the large area covered by yellow grass. More than half of this area was dotted with small seal-polished rocks that were covered with mature lichens, while one large patch of it was completely surrounded by a luxuriant growth of Elymus. Seals ceased coming to this place in 1887, but for many years previous to that date the number had been growing smaller.

It seems probable that these grass-grown areas near rookeries were at some time bared of vegetation by seals. I had many opportunities in 1892 for noting that even a small band of holluschickie would in a week destroy every vestige of vegetation

on a considerable area, leaving the ground perfectly bare. As these young male seals change their hauling-grounds many times during the season, a considerable extent of new ground is bared by them every year, and, though seals may not for many seasons haul-out at this place again, it will, in time, become covered with *Glyceria angustata*, and cannot then be distinguished from similar areas on which seals had been many years before, for, when ground is once taken possession of by this grass, it seems to exclude all other plants with the exception of *Deschampsia cæspitosa* and a large *Artimesia*.

When on the islands I was again and again told that the yellow grass marked the limit to which seals had reached. Admitting this to be true, there is no way of determining what proportion of this ground has been occupied by seals at one time. The lichen-covered rocks prove that much of it has been deserted by them for many years, while there are other parts of it that exhibit unmistakable evidence that seals have been on it within a few years; and in yet other cases seals were seen in great numbers in 1891 and 1892 hauled-out to the extreme edge of the ground defined by yellow grass, and in not a few instances a long way beyond it.

When the rookeries on St. Paul Island were last visited in September, it was
151 found that at all the larger rookeries, such as Reef, Tolstoi, and Polavina, the seals had hauled-out as far as there was any signs of their ever having been before, and in many cases much farther; photographs showing this were taken at all the principal rookeries.

Comparative Numbers of Seals on the Pribyloff Islands in 1891 and 1892.

In 1891 I arrived on St. Paul Island in company with the British Commissioners, and first visited the rookeries there on the 28th July. Long before that date, in 1892, I was, trusting to my memory alone, thoroughly convinced that there were more seals on the rookeries and hauling-grounds of that island than there were in 1891, and a comparison of photographs taken in that year with those procured in 1892 proves that my memory was not at fault. Apart from this, however, the rookery and hauling-grounds themselves exhibited unmistakable evidence that the number of seals was greater in 1892 than 1891. At Zapadnie, Tolstoi, Reef, and North-east rookeries any increase or decrease in the size of the rookeries can at once be determined by the appearance of the ground that marks their limits. There is never any difficulty in distinguishing ground on which seals have been in the previous year from that which has not been occupied by them within two or more years. The first year after seals have been on any particular area the ground remains hard and smooth, and it is seldom that even a few blades of grass show themselves. The rains of one summer and the frosts of two winters do much to loosen the soil, and in the second year its surface presents quite a different appearance.

Before the end of August nearly all the rookery-ground that bore evidence of having been occupied by seals the previous season was again covered by them. At North-east Point in particular, it was easy to see that there had been a material increase in the number of breeding seals. Last year, the extreme limit to which seals reached at Hutchinson Hill was the crest of the hill, but in 1892 its summit was, late in August, covered with female seals and pups. They extended back so far that the shelter for the watchmen, built some years ago on this hill, could not be reached or occupied without disturbing the seals. Standing at Sea-Lion Neck on the 22nd July, and looking north over the immense rookery that covers that part of North-east Point, Mr. Miller, who was engaged in taking photographs for the United States Government, said to me that there were more seals there than there had been when he photographed the same ground about a week later in 1891.

At Reef rookery, in 1891, the breeding-seals reached in a scattering way, in August, almost to the ledge of rocks that separates the breeding- and hauling-grounds on the south side of Reef Point, from what Elliott calls the "parade ground." In 1892 breeding-seals reached quite to this ledge, and late in August females and young had in small numbers climbed up the rocks, and were scattered for some little distance beyond them. At the south-west point of this rookery the breeding seals were, from the first of the season, hauled out in great numbers close up to the rocks that separate it from the "parade ground." This area is not included by Elliott in his Map of Reef rookery, showing the ground occupied by breeding seals in 1874.

On the 11th August, at Lukannon and Ketavie rookeries, it was noticed that while all bare ground had seals scattered over it, the breeding seals had covered so much new ground that it was impossible to reach the stone cairns, or "myaks," from which photographs had been taken earlier in the season, and which had been erected in 1891 under Mr. Brown's directions, to mark the limit to which seals had ever reached.

At Zapadnie rookery it was impossible to tell whether the breeding seals had increased or decreased, as the holluschickie on all parts of that rookery are hauled out between the breeding seals and the outer edge of the hauling-grounds, the breeding seals lying between them and the water.

At Tolstoi and Polavina rookeries the sandy nature of much of the soil at the back of the breeding-grounds made it difficult to note how far the seals had extended in the previous year, but there was no unoccupied ground that showed signs of having had seals on it in 1891.

As was to be expected, in accordance with the relatively small number of young seals killed in 1891, it was everywhere apparent that the number of holluschickie had increased. At every hauling-ground they covered the areas on which seals had been last year, and at every one of them large bands of holluschickie had hauled out on new ground. This is shown in photographs of Zapadnie, North-east Point, Lukannon, &c., on St. Paul Island, and North and Starry Arteel rookeries on St. George Island.

152 During the time I was on the Pribyloff Islands I never heard any one, white or native, say that there were fewer seals than there were last year, though it was frequently said in my hearing that there were not so many seals now as there were in former years. Mr. Stanley Brown expressed great surprise when he heard that the pelagic catch had been large, as, from the appearance of the rookeries, he had come to the conclusion that but few seals could have been killed at sea.

Injury to Seals resulting from "Driving" on the Islands.

When on the Pribyloff Islands I was present at four "food-killings," three on St. Paul Island and one on St. George Island, and was thus enabled to observe carefully the methods employed by the agents of the North American Commercial Company, and the natives working under them, in selecting from the thousands of seals driven to the killing-grounds the few hundreds that were to be killed. I had expected that the driving and killing of these seals would be under the direct supervision of an officer of the Government, for while it was well understood that the skins of the seals killed would be taken over by the Company, the object of the killing during the *modus vivendi* was supposed to be not for the purpose of taking skins for the Company, but to supply the natives with food. I did not myself accompany the natives during the whole progress of a drive from the hauling-grounds to the killing-grounds, but on three occasions on St. Paul Island I accompanied the drive for some distance before the killing-grounds were reached. On none of these occasions did an officer of the United States Government see anything of the seals until they were all driven together near the killing-ground, and once the killing had to be delayed for some time until the Treasury Agent reached the ground. Once only on either island did an officer of the Government in my presence interfere in any way with the natives or the agents of the Company in their work of clubbing and skinning the seals, or make to them any suggestion as to which seals ought to be killed and which spared, and the number of seals killed on every occasion depended not upon the wants of the natives, but entirely upon the number there were in the drive that were thought by the agents of the Company to be of a size that would give to them skins of the greatest value. The one instance referred to above was at the killing on the 1st July. A seal with apparently a broken shoulder was allowed by the natives to escape, though they noticed its condition. Colonel Murray then ordered one of them to go after it, and it was killed. At this killing less than 300 skins were taken. A careful account was kept by me of the number of seals that were driven up to the clubbers, and were allowed to escape after having been huddled together on the killing-ground, while those of a killable size were selected from the drive.

But 14.1 per cent. of the whole number of seals driven at this time were killed, while among those that escaped I counted seventeen that were badly enough bitten or wounded to bleed considerably, and there were doubtless many more that I failed to notice. Three of those injured were young seals that had evidently been struck by the clubbers, as they were badly cut about the head. One seal, about 6 years old, that had been wounded in the belly, was allowed to escape. I went to where it had rested for a few minutes, and found as much clotted blood as would have filled a breakfast cup. Another seal had a gash in its back about 5 inches long, and though a four-year-old seal of the size that was being killed was allowed to go free, as the skin had been injured. A wounded or bleeding seal was to be seen in nearly every small pod of from thirty-five to fifty that passed through the hands of the clubbers. There were, of course, many others that had blood on them that had come from the killed or wounded seals, but on the seventeen referred to above the wounds could be plainly seen.

At the killing of the 25th July one young seal escaped with a broken nose, and another with an eye hanging out. Such things attracted no attention from either the natives or the officer of the Government or Company, being apparently considered by them to be quite matters of course.

I noticed at every killing on St. Paul Island at which I was present, that as each little pod of seals was driven from the killing-ground to the lagoon 20 or 30 yards

away, one or more lagged behind the others, moving with great difficulty, and by means of their fore-flippers only, as if their backs or hinder parts had been hurt in some way. They seemed to revive after the water was reached, and it was not possible for me to determine whether the injury was of a kind that would affect them permanently or not.

153 No better proof of the injury done to seals by driving could be had than to walk along the route followed by them when driven from a hauling-ground to the killing-ground. The ground is on all sides strewn with bones; and if there has been a recent drive, many rotting carcasses are also to be seen. The day after a drive from Middle Hill I walked for about a mile from the salt-house along the route over which the seals had been driven, and found seventeen carcasses of seals that had become overheated, and had been killed so that their skins might be saved. I found one dead seal lying in a small pond of water, about a mile from the killing-grounds, through which the seals had been driven: it had no doubt become exhausted, and, lying down there, had escaped the notice of the drivers. The fur was still good. The carcasses referred to above were all of animals of the size of which the skins would be of the weight required by the Company, and much better able to bear the fatigue of the long drive than the younger ones.

As actual counting at four killings show that less than 20 per cent. of the seals driven were of what the agents of the Company considered a killable size, the number of young seals hurt while being driven must be very great, but not, I think, greater than those injured when the seals are huddled together surrounded by the clubbers. With no escape in any direction they draw nearer one another, until they are at last crowded so closely together that little more than their heads are visible, except when one of the larger seals struggles out from among the others: if of a killable size, it is knocked on the head and falls back into the struggling mass. The "pod" is continually poked and stirred up by the clubber, in order that the seals may be kept moving; and when all that are of the proper size have been clubbed the others are driven from the killing-grounds, with cries from the clubbers and the beating of pans by the attendant boys. If by chance a "killable" seal escapes with the younger ones, a club is thrown at it, and though many are struck in this way, I never saw one stunned or prevented from reaching the lagoon, a short distance away. Whether such seals receive permanent injury it is impossible to say, but the throwing of the club at them always appeared to me an act of wanton cruelty, or a sort of pastime to amuse the clubbers while the next "pod" of seals was being driven up.

While the seals were huddled togther on the killing-ground the clouds of steam rising from them showed plainly the over-heated condition of the animals.

The only duty of the Treasury Agents at these killings appeared to be to take down in a perfunctory manner the number of seals killed as called out to him by the chief clubber. No other count but this was ever made on the field, both the Government and the Company depending entirely upon the counting of the skins in and out of the salt-houses when estimating the number of seals taken.

Raids.

During the months of July and August 1892 no guard was stationed upon any rookery on either island with the exception of North-east Point on St. Paul Island, and Zapadnie on St. George. Polavina and Zapadnie rookeries on the former island, and Great East and Starry Arteel rookeries on the latter, were left without a guard of any kind, and three of these four rookeries are known to have been raided in recent years.

On the 16th July I walked on St. George Island from the village to Zapadnie rookery with the two natives who were going to relieve the watchmen there. One was a young man about 20 years of age, the other a boy of 12 or 13. When we reached the guard house I found that the guards to be relieved were an elderly man with but one arm, and a boy of about the same age as the one referred to above. I was afterwards told by Dr. Noyes, the Manager on St. George Island for the Company, that when the killing season was at its height this one-armed man was the only guard kept at Zapadnie. He was unable to assist in any way at the killings, so was employed as a watchman.

Two or three men were kept at North-east Point, St. Paul Island, and this place is connected with the village by a telephone-line. Early in August 1892, however, the receiver or transmitter at one end of the line got out of order, and it was rendered useless as a means of communication between these places. At the time of my departure from the island on the 12th September it was still in this condition, and there was apparently no prospect of its being repaired before next spring. More than two hours would be required by the watchmen to reach the village were a raid to be made at North-east Point, and the same time to return with assistance. This, with the time consumed in rousing the people at the village, would give any raiders

154 ample opportunity to do their work, as I have been assured by several men

who have actually raided the islands that four hours is the time usually required to make a successful raid, so that North-east Point was in 1892 practically without protection.

Polavina rookery is 5 miles from either the village or North-east Point, and any night the wind served, or even on foggy days, raids might be made there and nothing be known of them at the village. Although Zapadnie rookery can be seen from the village, and on this account is supposed to be safe, it was at this very place that the skins taken by the crew of the "Borealis," late in 1891, were procured. I was told by one of the men engaged in the raid that, at the time it was made, a revenue-cutter was lying at anchor near the village, and less than 2 miles from the rookery, that the night was clear—so clear that they could see from the schooner not only the lights of the cutter, but the vessel itself. They were desperate, however, and sailed in close to the rookery, landed, and secured 400 skins without being seen or heard. While on St. Paul Island, in 1892, three different rookeries were named to me as the one on which this particular raid was made. Nothing was known of it on the islands until the arrival of the revenue-cutters the next spring, and the officers on these vessels had heard of it through the raiders themselves.

While in Victoria, British Columbia, in May 1892, two of the crew of the schooner "Challenge" gave me particulars of the raid made on Great East rookery, St. George Island, late in 1891, and when on St. George Island in July I asked Dr. Noyes, the Manager of the North American Commercial Company on that island, for an account of the raid. He told me that the morning after the raid a native, who had been collecting wood, came in with the report that there were dead seals on Great East rookery, but that no vessel was in sight. The number of seals killed was not ascertained, as they did not wish to disturb those still on the ground. A man was sent across the island, and came back with word that a schooner was anchored in Garden Cove. Guards were put on all the rookeries, but no further attempt at raiding was made, and nothing more was seen of the vessel.

Starry Arteel seems to have been in former years a favorite rookery for raiding, as Dr. Noyes spoke of several raids having been made there in different seasons, though he did not know the names of the vessels. He told me that in 1886 a native came in, and informed him that he had seen dead pups on Starry Arteel rookery. On going there he (Dr. Noyes) found a number of dead seals lying on the shore, and while he was looking at them a native called out that he thought he saw a boat under the cliff to the westward of Starry Arteel. Two natives were sent along the cliffs with guns, but no boats could be seen. The cliffs at this place are about 900 feet high and overhanging the water, so that a boat could not be seen from above. Dr. Noyes said that schooners formerly came in close to the island early in the evening and lowered their boats, which, after making the raid, were taken under the cliffs, and the following night were picked up by the schooner.

The next day a schooner was seen far out at sea—it had been foggy before—and a guard was put on all rookeries. During the night two boats were detected close under the cliff where the natives had reported them the day before. The watchmen ordered the boats to stop, threatening to fire at them if they did not do so, and the boats not stopping they did fire, not at the men but over them: two men were, however, wounded. Dr. Noyes did not learn until the following year that the men had been wounded. He was told of it then by officers on the revenue-cutter "Rush," to which they had gone for assistance. He had never told the natives that they had wounded the men, as they would, he said, rather let every seal be taken than shoot any one.

In this connection Mr. Wardman, United States Treasury Agent on the Pribyloff Islands for several years, may be quoted: "I asked a man one day if he would shoot if we took after a pirate, and he said he would not. It was only with great persuasion I could get him to pull me off in a boat. It is no use putting guns into their hands. I asked him why he would not shoot, and he said he did not want to kill a man. They are very cowardly." *

Even were native guards placed on every rookery on both islands, they would thus afford no real protection against raids. They might be bribed by the raiders, or might neglect their duties and not patrol the rookeries on dark or foggy nights, and even were good watch kept and the presence of raiders detected they would be useless, and at the most would but hurry to the village for help. It is assumed that if a revenue-cutter were kept at each island, no further protection would be necessary; but it has been shown that at least one successful raid was made while
155 the cutter was actually in sight of the rookery being raided. All the revenue-cutters habitually come to anchor at nightfall when near the islands, if possible at the village, so that practically the whole island excepting that part of it near the village is open to the raiders. Vessels are known to have anchored to the northward of St. Paul Island for weeks, running in to the island at night to kill seals on the rookeries. A proper guard stationed at each rookery might prevent such raids, but a vessel anchored at the village can never do so.

* H. R., 50th Congress, 2nd Session, Report No. 3883, p. 34.

Number of Seals required for Food of Natives.

Between the 19th May and the 18th June, 1892, inclusive, there were five "killings" on St. Paul Island, the average number of seals taken at each killing being about 125; these were doubtless sufficient to supply the natives with food, as there was at that time no lack of seals. On the 25th June the number was suddenly increased to 497, and each killing thereafter averaged a little less than 400 seals. During the first nine days of August 1370 seals were killed on St. Paul Island, an average of over 150 for each day, considerably more than the average weekly killing earlier in the season. During the whole summer a certain small portion of the seal meat was dried by the natives for their own use, and many kegs and barrels of salted meat were, besides, prepared as usual for natives at Unalaska, and sent to them. A smoke-house was built under the direction of the United States Treasury Agent, but up to the 1st July no attempt had been made to cure any of the flesh. The smoke-house was at last filled with meat that had been soaked in brine, but, not having been properly dried before being hung up, this first lot of meat rotted and had to be thrown away. I was told that later attempts were more successful, but I saw none of the cured meat. As a rule, only the best parts of the carcasses were taken, and great quantities of flesh were left to rot upon the killing-grounds after every drive. But a small portion of the flesh of the 293 seals killed at Polavina rookery on the 8th August was saved.

Had the requirements of the natives been considered, no more seals would have been killed during the summer months than were actually required for food at the time. It would have been much better had meat that was to be salted or smoked been prepared late in autumn instead of in July and August, as there would have then been less risk of it spoiling; and had even 1,000 of the seals killed during the first nine days of August been spared until November, the natives would have had fresh meat in greater quantity, and as it keeps well when frozen, its use could have been extended over a greater period of time.

I walked over the killing-ground at St. George on the 1st August, and noted many carcasses from which no meat whatever had been taken, while from others the fore-flippers only had been removed. Natives were observed on several days previous to this to go to the killing-ground, and cut from the carcasses meat in small quantities as it was required. The seals from which the meat was taken were killed on the 21st July.

When on St. Paul Island in 1891, at the request of the British Commissioners, the parts of a seal that are eaten by the natives were cut from one weighing 85 lbs., the skin of which weighed 8 lbs.; it was found that the flesh weighed 25 lbs., and the heart, liver, tongue, and kidneys, all of which may be and often are eaten, 5 lbs.

Note referring to the Method of taking Seals at Sea.

In the expectation of being able to take seals on the way north, I took with me, when I embarked on the "Quadra," a sealing-boat of the pattern now exclusively used by the white hunters. This boat I kept with me all summer, and had ample opportunity of judging of its suitability for the work for which it is intended. These boats are light, swift craft, and are so built that either end answers equally well as the bow. They are propelled by short, paddle-like oars, commonly called paddles by the sealers, the lightness of which enables the oarsmen to pull very quickly, and so, when necessary, turn the boat very easily. This is seldom necessary, however, except when a wounded seal is being chased, and is not then really necessary except in order to put the rowers out of danger when the hunter fires at a seal which is badly wounded and comes up behind the boat; then a few strokes of the oars carries the boat to it without the necessity of its being turned round, as one of the rowers faces each way. When necessary to go astern the "boat-puller" becomes the "boat-steerer," and *vice versâ*. The term "boat-steerer" is applied to the rower, or "paddler," who, under ordinary circumstances, sits in the stern
156 of the boat, and though he assists in propelling the boat, faces the bow and guides it as well. I saw many of these boats at various places, and all were of about the same size and built on the same model.

APPENDIX (A).

OFF TRIANGLE ISLAND, *May 11, 1892.*

We, the Undersigned, certify that we were with Mr. Macoun when he visited West Haycock Island this morning, and that we saw from the boat fur-seals all along the west side of the island in bunches of two or three, while off the south end there was

a bunch of eight or ten. When frightened they did not go out to sea, but kept along the shore or went into one of the narrow channels that separate the rocky islets lying off the main island.

(Signed) N. E. GARDNER, D. MCCALL, HUGH RENNY, *Seamen.*
G. G. GEROW, *Seal-hunter.*
WM. OWEN, *Chief Mate.*

APPENDIX (B).

Declaration of Richard Maynard.

DOMINION OF CANADA, *Province of British Columbia, City of Victoria.*

I, Richard Maynard, of the city of Victoria, and Province of British Columbia, do solemnly declare:

1. That during the latter part of the month of July, and for nearly the whole of the month of August, I was employed in taking photographs on the Pribyloff Islands.

2. That on the 23rd day of August, 1892, I visited Tolstoi Rookery, on St. Paul Island, in company with Lieutenant Ainsworth, Assistant Treasury Agent on St. Paul Island, Mr. Macoun, an Agent of the British Government, and Antone Melovedoff, chief boatman in the employ of the North American Commercial Company.

3. We walked to that part of Tolstoi Rookery on which dead pups were lying in great numbers, and while we were all standing within a few yards of the limit of the ground on which these dead pups were, Mr. Macoun asked Antone Melovedoff whether he thought there were as many of them as there were last year, to which he replied, "More; more than I ever saw before." I was asked by Mr. Macoun to particularly note what was said, and did so.

4. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) RICHARD MAYNARD.

Declared before me at the city of Victoria, British Columbia, this 5th day of November, 1892.

[SEAL.] (Signed) A. ST. G. FLINT,
Notary Public for British Columbia.

APPENDIX (C).

Captain Parr to Rear-Admiral Hotham.

"MELPOMENE," AT ESQUIMALT, *October 26, 1892.*

SIR: In answer to your Memorandum of the 12th instant, with the attached letter from Mr. J. M. Macoun, I have the honour to forward herewith a copy of the log of this ship, so far as it relates to the weather experienced while cruizing in the Behring Sea.

2. There is also entered the days when observations for determining the position were obtained, or the reverse, and this appears to me to be the most important point with regard to vessels having to keep outside a certain limit; for I take it that that limit would be such a distance from the islands that even in the clearest weather bearings would be unobtainable.

3. With reference to the possibility of any other sealing-schooners having been taking seals in the neighbourhood of the Pribyloff Islands besides those captured, I have heard it stated that one vessel claimed to have done so to the extent of some 100 skins, but I think even that is doubtful. If the total number of seals killed in Behring Sea by sealing-schooners is taken at 500, I should say that it would largely exceed the mark.

I have, &c.

(Signed) A. A. C. PARR.

157 COMPARATIVE STATEMENT RESPECTING THE CLIMATIC CONDITIONS OF CERTAIN PLACES IN THE NORTHERN PART OF THE NORTH PACIFIC OCEAN, BY C. CARPMAEL, F. R. S. C., DIRECTOR OF THE METEOROLOGICAL SERVICE OF CANADA.

Mr. Carpmael to the Hon. C. H. Tupper, M. P., Minister of Marine and Fisheries.

METEOROLOGICAL OFFICE, *Toronto, December 22, 1892.*

SIR: In accordance with your request, I send you a short comparison of the climates between May and October of St. Paul Island, Behring Island, and Robben Island, with those of the Kurile Islands, the coast of Kamtschatka, the Aleutian Islands, and the coast of Alaska. The comparison is chiefly confined to temperature, as the published information which I have been able to find with respect to number of rainy days, fog, cloud, &c., is very meagre. Such information as I have been able to find with respect to St. Paul Island seems to show that fogs and light rains are of frequent occurrence. It is stated in the United States Census for 1880, Report on the Seal Islands of Alaska, that the wind in summer is always laden with fog, while a Table of observations is given, which shows thirty days' precipitation in September 1872 with a total fall 2.89 inches, twenty-nine days and 3.08 inches in October, and twenty-seven days with a total fall 2.38 inches in November 1872; and these figures are fully confirmed by the accompanying Table referring to St. Paul Island, which is compiled from the annual Reports of the Chief Signal Officer, Washington.

Mean Temperature.

In May the mean temperature of the Aleutian Islands is a little under 40 degrees. At St. Paul Island 33.7 degrees, and Behring Island it is 35.7 degrees. At Robben Island, according to the curves in the "Challenger" Report, the mean temperature would be about 42 degrees, but I think possibly the mean might be as low as 40 degrees. The mean temperatures in the Kurile Islands are probably between 40 and 44 degrees; along the south-east coast of Kamtschatka the mean is nearly 40 degrees, while at Sitka it is 47 degrees, and at Port Simpson 48.5 degrees.

In June the mean at St. Paul Island is 40.4 degrees, at Behring Island 42.1 degrees, and at Robben Island probably about 48 degrees. The "Challenger" Report makes the Kurile Islands somewhat over 55 degrees, but the temperature at Nemuro, taken with those on Saghalien Island and at Petropaulovski, would lead me to the conclusion that 50 degrees must be very near the mean on all of them, and the whole of

the Aleutian Islands must have mean temperatures somewhere between 42 and 49 degrees. At Sitka it is 52.4 degrees, and at Port Simpson 52.7 degrees.

In July the mean at St. Paul Island is 45.2 degrees, at Behring Island 47.1 degrees, and at Robben Island probably a little under 60 degrees. The mean in the Aleutian Islands ranges between 49 and 52 degrees, and that in the Kurile Islands is probably a little under 60 degrees, and along the south-east coast of Kamtschatka it is between 55 and 60 degrees. At Sitka it is 55.5 degrees, and at Port Simpson 55.6 degrees.

In August the mean at St. Paul Island is 47.2 degrees, at Behring Island 54.1 degrees, at Robben Island it must be nearly 60 degrees, and over the greater portion of the Kurile Islands and along the south-east coast of Kamtschatka a little under 60 degrees, whilst along the Aleutian Islands it ranges between 46.9 and 51.6 degrees. At Sitka it is 55.9 degrees, and at Port Simpson 56.3 degrees.

In September the mean at St. Paul Island is 44.9 degrees, at Behring Island 46.8, and at Robben Island it must be a little below 55 degrees, and the mean on most of the Kurile Islands, along the south-east coast of Kamtschatka, on all the Aleutian Islands, and along the southern coast of Alaska, and at Port Simpson, the mean lies between the extremes at these three stations.

In October the mean at St. Paul Island is 39.1 degrees, at Behring Island 37.2 degrees, and at Robben Island about 44 degrees. The more northerly of the Kurile Islands, the south-east coast of Kamtschatka, the whole of the Aleutian Islands, and part of the southern coast of Alaska have a mean temperature lying between 40 and 44 degrees, while at Sitka it is 44.9 degrees, and at Port Simpson 47.5 degrees.

158 The accompanying Tables are taken from various sources as marked thereon, those for Port Simpson from the records in this office, and have been examined by me and found correct.

I have, &c.

(Signed) CHARLES CARPMAEL, *Director.*

Table extracted from the "Pacific Coast Pilot," Part I, 1891.

MEAN TEMPERATURE OF THE AIR.

Stations.	Latitude.	Longitude.	May.	June.	July.	August.	September.	October.	November.
	° ′	° ′	*Deg.*	*Deg.*	*Deg.*	*Deg.*	*Deg.*	*Deg.*	*Deg.*
Atka Island, Aleutians	52 10	174 15	39.9	42.1	49.0	50.3	.....	.....	.....
Attu Island, Aleutians	52 56	186 48	39.6	48.8	52.4	51.6	47.8	41.1	35.5
Behring Island	55 14	194 8	39.7	42.7	48.2	54.1	50.5	38.8	28.7
Duë Lighthouse	50 50	142 26	42.4	52.0	60.3	61.6	53.1	40.5	21.1
Fort Tongas, Alaska	54 46	130 44	50.3	56.4	58.7	59.1	53.1	48.8	41.0
Fort Wrangel, Alaska	56 28	132 23	48.7	55.7	58.6	57.0	52.1	46.1	30.7
Kiuliuk, Unalaska	53 53	166 32	38.7	44.9	49.1	51.9	46.9	38.8	33.8
Kusunai, Saghalien Islands	48 0	142 20	45.0	50.0	58.5	65.8	53.8	44.7	32.3
Muravief, Saghalien Islands	.....	.....	41.4	47.7	55.1	60.3	55.5	44.9	30.6
Queen Charlotte Island	54 12	132 58	.....	53.5	57.8	57.5	.....	.....	.....
St. Paul Island	57 7	170 19	34.0	41.5	46.4	48.4	45.1	38.9	34.8
St. Paul, Kadiak Island	57 48	152 21	43.6	50.5	54.8	56.0	50.4	42.5	35.4

FORT SIMPSON, BRITISH COLUMBIA.

[Latitude, 54° 33′ 28″ N.; Longitude, 130° 25′ 30″ W.; Elevation, 35 feet.]

MEAN TEMPERATURE.

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1886	.....	51.7	56.5	56.5	53.1	47.0	40.8
1887	45.9	51.4	53.4	54.5	51.7	46.5	38.5
1888	48.3	53.9	55.1	57.1	55.1	47.5	39.8
1889	50.8	52.8	56.8	56.0	52.8	49.1	41.9
1890	49.5	53.9	56.3	57.3	54.1	47.3	45.6
1891	48.2	52.5	.....	.....	.....	.....	41.1
1892	.....	.....	.....	.....	.....	.....	.....
	48.5	52.7	55.6	56.3	53.4	47.5	41.3

MAXIMUM TEMPERATURE.

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1886	.....	67.3	69.5	69.3	67.0	61.0	57.0
1887	65.0	73.0	73.0	68.0	64.0	64.0	62.0
1888	71.0	65.0	71.0	68.0	72.0	64.0	57.0
1889	79.0	66.0	71.0	73.0	69.0	65.0	58.0
1890	73.0	76.0	79.0	73.0	66.0	60.0	60.0
1891	69.0	66.0	.....	.....	.....	.....	57.0
1892	.....	.....	.....	.....	.....	.....	.....
	71.4	68.9	72.7	70.3	67.6	62.8	58.5

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MINIMUM TEMPERATURE.

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1886	.....	39.8	44.0	41.0	39.0	30.0	20.0
1887	27.0	35.0	36.0	40.0	34.0	31.0	23.0
1888	30.0	40.0	40.0	43.0	38.0	29.0	17.0
1889	35.0	37.0	42.0	42.0	34.0	36.0	24.0
1890	30.0	39.0	39.0	42.6	38.6	28.6	30.6
1891	29.6	40.6	.....	.....	.....	.....	19.6
1892	.....	.....	.....	.....	.....	.....	.....
	30.3	38.6	40.2	41.7	36.7	30.9	22.4

NUMBER OF DAYS CLOUDY.

Year.	May.	June.	July.	August.	September.	October.	November.
1886	.....	17	11	18	11	22	.....
1887	17	15	17	11	14	15	15
1888	12	26	14	18	18	26	20
1889	19	15	8	21	21	17	18
1890	12	18	16	14	18	22	25
1891	11	12	.....	.....	.....	.....	18
1892	.....	.....	.....	.....	.....	.....	.....
	14.2	17.2	13.2	16.4	16.4	20.4	19.2

NUMBER OF DAYS PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1886	.....	21	8	17	18	21	21
1887	17	10	16	17	20	23	18
1888	15	23	10	9	20	29	23
1889	20	18	12	27	24	22	20
1890	12	18	16	11	20	25	26
1891	7	11	.....	.....	.....	.....	24
1892	.....	.....	.....	.....	.....	.....	.....
	14	17	12	16	20	23	23

NUMBER OF DAYS CLEAR.

Year.	May.	June.	July.	August.	September.	October.	November.
1886	.....	3	9	5	10	3	.....
1887	7	6	11	8	7	1	3
1888	7	1	10	6	3	1	6
1889	6	4	13	.....	1	7	3
1890	16	6	3	5	4	.....	3
1891	8	.....	.....	.....	.....	.....	5
1892	.....	.....	.....	.....	.....	.....	.....
	8.8	4	9.2	4.8	5	2.4	4

160 CLOUDINESS EXPRESSED IN PERCENTAGE.

Year.	May.	June.	July.	August.	September.	October.	November.
1886	.....	74	54	72	54	77	71
1887	66	62	59	59	64	73	72
1888	57	89	57	68	75	89	70
1889	71	70	44	82	80	65	76
1890	44	69	68	64	74	84	85
1891	55	72	75	.....	.....	.....	72
1892	.....	.....	.....	.....	.....	.....	.....
	59	73	59.5	69	69	78	74

AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1886	.....	3.60	3.50	9.80	8.69	17.43	12.61
1887	3.70	3.30	6.41	3.61	13.14	11.98	16.62
1888	4.59	5.71	3.00	7.65	10.77	18.04	13.54
1889	6.47	5.05	3.48	14.11	10.86	10.70	12.70
1890	3.20	5.06	4.44	6.78	15.23	12.83	19.25
1891	2.92	1.75	.....	.....	.....	.....	17.89
1892	.....	.....	.....	.....	.....	.....	.....
	4.19	4.08	5.04	8.39	11.74	12.64	15.53

NUMBER OF DAYS FOGGY.

Year.	May.	June.	July.	August.	September.	October.	November.
1886	.....	3	.....	.....	.....	1	.....
1887	.....	.....	1	6	7	3	1
1888	2	1	5	5	3	1	.....
1889	.....	.....	13	1	.....	.....	2
1890	6	4	6	6	4	.....	10
1891	2	4	4	.....	.....	.....	.....
1892	.....	.....	.....	.....	.....	.....	.....

SITKA, ALASKA.

Reports of Chief Signal Officer, Washington.

[Latitude, 57° 3′ N.; Longitude, 135° 20′ W.]

MEAN TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881	.....	.....	.....	.....	.....	.....	.....
1882	.....	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....	.....
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....	.....
	47.2	51.9	54.8	56.5	52.4	45.7	39.8

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MAXIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881	.....	.....	67.0	79.0	63.8	57.8	52.8
1882	69.2	69.6	66.7	67.7	60.3	60.8	54.0
1883	65.2	62.1	67.5	64.0	69.4	59.8	52.8
1884	59.4	74.6	67.5	71.8	65.7	55.1	55.8
1885	79.0	70.0	70.0	75.0	69.0	59.0	50.0
1886	61.0	68.0	72.0	72.0	62.0	59.0	54.0
1887	58.0	72.0	66.0	68.0	60.0	.....	.....
	65.3	69.4	69.4	71.1	64.3	58.5	53.2

MINIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881	.....	.....	43.0	43.9	40.5	32.0	22.5
1882	32.0	38.0	43.0	43.5	34.5	31.0	29.0
1883	34.0	38.0	42.7	42.5	40.0	26.0	5.0
1884	36.2	39.0	45.9	44.4	32.0	26.0	27.0
1885	37.0	39.0	47.0	44.0	38.0	33.0	29.0
1886	31.0	38.0	45.0	42.0	39.0	31.0	23.0
1887	28.0	40.0	42.0	41.0	36.0	.....	.....
	33.0	38.7	44.2	43.0	37.1	29.8	22.6

NUMBER OF DAYS CLOUDY.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	.....	.....	22	12	16	8	22
1882	15	19	23	18	14	17	19
1883	18	23	27	18	16	19	17
1884	23	20	21	20	14	25	20
1885	18	10	17	13	19	20	18
1886	14	15	15	19	20	18	21
1887	17	22	23	19	17	.....	.....

Reports of Chief Signal Officer, Washington—Continued.

NUMBER OF DAYS OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	.....	.....	15	10	21	13	24
1882	11	16	20	17	21	19	19
1883	14	17	23	19	15	22	20
1884	26	14	8	12	18	26	23
1885	15	8	10	17	23	26	24
1886	11	18	15	17	25	28	29
1887	20	14	21	21	20	.....	.....

162 AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	.....	.....	.....	.....	.....	.....	.....
1882	.....	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....	.....
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
1886	3.68	4.53	3.27	10.72	25.52	24.82	20.51
1887	.....	.....	.....	.....	.....	.....	.....
	4.54	3.34	4.89	6.52	12.83	13.49	13.68

CLOUDINESS EXPRESSED IN PERCENTAGE.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	.....	.....	82	56	69	46	83
1882	60	75	82	61	73	65	75
1883	72	81	92	70	70	76	68
1884	85	78	75	78	60	83	77
1885	69	44	68	59	79	80	76
1886	62	72	69	79	83	76	83
1887	78	76	78	71	71	.....	.....

UNALASKA, ALASKA.

[Latitude, 53° 53′ N.; Longitude, 166° 32′ W.]

MEAN TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
Normal*	40.4	45.9	49.6	50.3	46.0	40.4	34.6

* Normal temperature obtained from Report of the Chief Signal Officer, United States of America, 1887, Part I, p. 251.

MAXIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1882	.....	.....	78	67	.....	.....	.....
1883	57	64	72	69	60	61	54
1884	.....	.....	.....	.....	.....	.....	.....
1885	58	60	62	64	59	54	53
1886	59	.....	.....	.....	.....	.....	.....

Reports of Chief Signal Officer, Washington—Continued.

163 MINIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1882	.....	.....	40	36	37	26	23
1883	31	34	40	38	33	30	19
1884	.....	.....	.....	.....	.....	.....	.....
1885	31	34	39	40	34	30	23
1886	31	.....	.....	.....	.....	.....	.....

NUMBER OF DAYS CLOUDY.

Year.	May.	June.	July.	August.	September.	October.	November.
1882	.....	.....	23	24	26	21	.....
1883	24	24	25	24	26	14	24
1884	.....	.....	.....	.....	.....	.....	.....
1885	16	22	28	14	26	19	20
1886	14	.....	.....	.....	.....	.....	.....

NUMBER OF DAYS OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1882	.....	.....	.....	.....	.....	.....	.....
1883	24	10	10	17	26	21	22
1884	.....	.....	.....	.....	.....	.....	.....
1885	11	12	18	16	26	30	22
1886	9	.....	.....	.....	.....	.....	.....

AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
(Four years) Normals*	4.64	4.26	2.78	3.40	8.64	11.98	9.30

* Report of Chief Signal Officer, United States of America, 1887, Part I, p. 297.

CLOUDINESS EXPRESSED IN PERCENTAGE.

Year.	May.	June.	July.	August.	September.	October.	November.
1882	.....	.....	86	86	93	81	80
1883	85	88	89	82	89	75	87
1884	.....	.....	.....	.....	.....	.....	.....
1885	71	85	92	70	90	83	84
1886	78	.....	.....	.....	.....	.....	.....

164 ATKA.

Reports of Chief Signal Officer, Washington.

[Latitude, 52° 10′ 30″ N.; Longitude, 174° 15′ 18″ W.]

MAXIMUM TEMPERATURE.

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881	.....	.....	.....	.....	.....	54	47
1882	52	54	63	68	62	53	49
1883	49	72	72	68	60	53	5[illegible]
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
1886	61	60	76	72	.....	.....	.....

Reports of Chief Signal Officer, Washington—Continued.

MINIMUM TEMPERATURE.

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881						30	28
1882	24	35	35	39	39	28	22
1883	29	32	38	40	35	31	22
1884							
1885							
1886	32	28	36	39			

AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1881						6.30	10.91
1882	4.47	4.40	4.63	5.43	9.16	12.18	8.87
1883	8.19	4.20	3.88	4.83	9.71	10.05	14.72
1884							
1885							
1886	7.08	7.07	2.01	6.30			

ST. PAUL ISLAND, ALASKA.

Reports of United States Signal Service (1873–76).

[Latitude, 57° 38′ N.; Longitude, 169° 50′ W.]

NUMBER OF DAYS OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1872					30	29	27
1873	20	21	25	26	27	31	30
1874	21		27	29	25	31	28
1875	26	26	21	29	26	27	19
1876	31	13					
1877							
1878							
1879							
1880							
1881							
1882							
1883							

165 *Reports of United States Signal Service (1873–76, 1881–83).*

AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1872					2.89	3.08	2.38
1873	0.60	0.50	2.65	2.61	2.64	3.89	3.61
1874	0.58		3.81	2.62	3.01	4.82	9.28
1875	2.15	5.38	4.75	5.73	3.86	4.50	0.79
1876	3.73	1.56					
1877							
1878							
1879							
1880							
1881		2.22	2.10	4.49	7.94	5.88	7.81
1882	1.68	1.02	3.49	2.30	5.89	6.55	6.44
1883	2.10						

Reports of United States Signal Service (1873–76).

GREATEST AMOUNT OF PRECIPITATION IN ONE DAY.

Year.	May.	June.	July.	August.	September.	October.	November.
1872	.....	.....	.....	.....	0.85	0.58	0.31
1873	0.14	0.24	0.78	0.67	0.44	0.86	0.53
1874	0.15	.....	0.72	0.70	0.85	1.10	1.15
1875	1.23	1.55	1.04	1.05	1.40	1.35	0.17
1876	0.83	0.45	.....	.....	.....	.....	.....
1877	.....	.....	.....	.....	.....	.....	.....
1878	.....	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	.....	.....
1882	.....	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....	.....

Reports of United States Signal Service (1873–76).

PERCENTAGE OF FOG.

Year.	May.	June.	July.	August.	September.	October.	November.
1872	.....	.....	.....	.....	7.2	0.0	1.7
1873	16.2	26.7	50.2	48.9	20.5	8.1	9.4
1874	12.1	.....	61.7	22.2	2.6	1.0	1.3
1875	0.3	7.2	11.8	12.8	3.6	0.2	0.0
1876	17.3	14.0	.....	.....	.....	.....	.....
	11.5	16.0	41.2	28.0	10.3	3.1	3.1

166 BEHRING ISLAND.

Reports of United States Signal Service.

[Latitude, 55° 14′ N.; Longitude, 194° 8′ W.]

MEAN TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1882	.....	.....	.....	.....	.....	.....	.....
1883	.....	.....	.....	.....	.....	.....	.....
1885	35.1	41.9	46.2	48.3	45.6	34.8	29.9
Normal*	35.7	42.1	47.1	51.0	46.8	37.2	30.3

MEAN MAXIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1882	.....	.....	54.6	63.6	58.5	48.0	40.3
1883	43.6	59.5	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
Normal*	40.3	46.7	51.8	54.3	50.0	41.3	35.0

MEAN MINIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1882	.....	.....	39.4	44.6	35.3	19.2	13.5
1883	28.2	33.4	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
Normal*	32.2	38.1	43.3	47.5	42.0	32.2	25.6

Reports of United States Signal Service—Continued.

NUMBER OF CLOUDY DAYS.

Year.	May.	June.	July.	August.	September.	October.	November.
1882							
1883							
1885							
Normal*	23.0	23.0	20.0	22.7	16.7	18.3	21.4

NUMBER OF FAIR DAYS.

Year.	May.	June.	July.	August.	September.	October.	November.
1882							
1883							
1885							
Normal*	8.0	5.7	10.0	7.3	11.3	12.7	8.3

* From Report of Chief Signal Officer, 1886, p. 411 *et seq.*

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NUMBER OF CLEAR DAYS.

Year.	May.	June.	July.	August.	September.	October.	November.
1885							
1886							
Normal*	0.0	1.3	1.0	1.0	2.0	0.0	0.3

CLOUDINESS EXPRESSED IN PERCENTAGE.

Year.	May.	June.	July.	August.	September.	October.	November.
Normal*	75	75	63	73	86	76	77

AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1885	1.19	1.63	4.05	2.15	3.32	1.34	1.84
Normal*	0.96	1.66	2.46	2.09	2.50	2.60	2.96

* From Report of Chief Signal Officer, 1886, p. 411 *et seq.*

PETROPAULOVSKI.

Supplement to Repertorium for Meteorology, St. Petersburgh, 1881.

[Latitude, 53° N.; Longitude, 158° 48′ W.; Elevation, 33 feet.]

MEAN TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1828	39.0	50.7	57.9	55.4	50.4	37.6	24.6
1843	40.1	52.7	60.8	62.4	53.1	.....	30.4
1845	.....	.....	.....	.....	.....	.....	.....
1846	39.0	53.4	57.2	60.1	50.9	41.5	31.3
1847	41.4	50.2	57.0	58.3	52.5	40.3	31.8
1848	40.8	51.4	57.0	57.0	50.2	37.2	27.7
1849	41.5	49.6	61.0	59.4	49.5	41.2	25.9
1850	41.7	.....	.....	59.9	51.8	38.5	27.7
1851	40.5	.....	.....	.....	.....	.....	.....
1852	37.2	.....	.....	.....	.....	40.5	29.5
1853	37.6	45.7	57.0	57.2	53.2	43.3	35.2
Mean	39.9	50.5	58.3	58.7	51.4	40.0	29.3

NOTE.—Date at this station old style.

168 ALEXANDROWKA, SAGHALIEN ISLAND.

Annals of the Physical Observatory, St. Petersburgh.

[Latitude, 50° 50′ N.; Longitude, 142° 7′ W.; Elevation, 156 feet.]

MEAN TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881	44.1	52.7	59.4	62.6	57.7	39.9	24.8
1882	43.0	54.3	60.8	67.1	55.9	38.5	16.5
1883	43.7	53.4	64.9	66.7	53.1	41.9	24.4
1884	41.7	50.9	59.2	59.4	52.5	35.4	16.5
1885	40.3	49.8	59.0	61.0	50.2	39.2	19.9
1886	43.3	55.0	63.7	61.2	53.8	39.2	21.0
1887	44.4	52.0	59.5	64.4	52.3	39.7	23.9
1888	42.3	48.2	60.1	60.8	50.5	39.2	30.0
1889	40.8	51.1	65.8	61.3	51.3	36.1	20.3
1890	40.1	49.5	61.5	67.5	58.8	39.6	23.9
	42.4	51.7	61.4	63.2	53.6	38.9	22.1

MAXIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881	67.8	63.9	81.5	76.6	76.3	65.1	45.5
1882	65.1	72.3	82.4	83.1	75.7	55.8	40.3
1883	72.9	79.0	83.7	82.9	69.6	67.5	46.6
1884	66.0	71.6	73.4	77.4	73.4	53.2	38.7
1885	66.7	71.8	79.0	81.0	69.3	65.5	45.5
1886	63.0	75.6	81.9	76.1	71.1	60.3	48.7
1887	64.8	72.0	81.9	87.4	67.6	62.8	44.8
1888	66.2	65.8	80.6	77.7	65.1	62.1	53.6
1889	68.0	77.2	81.5	80.4	72.5	51.1	38.1
1890	71.4	62.2	80.1	86.0	77.0	57.7	41.2
	67.2	71.1	80.6	80.9	71.8	60.1	44.3

Annals of the Physical Observatory, St. Petersburgh—Continued.

MINIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1881	30.4	43.5	49.3	47.5	36.0	16.9	— 2.2
1882	32.0	39.2	47.1	53.1	37.4	13.6	— 13.9
1883	28.6	39.2	54.1	50.5	36.3	21.0	— 2.7
1884	27.1	39.6	48.7	43.0	33.8	16.2	— 12.3
1885	28.4	39.0	44.6	45.9	31.3	24.1	— 9.8
1886	28.8	36.5	49.8	44.1	34.3	17.6	— 8.1
1887	28.8	42.3	48.4	45.1	34.0	19.0	3.4
1888	28.4	37.4	45.5	49.6	30.9	15.1	14.7
1889	28.8	36.0	55.2	41.5	33.6	11.3	0.5
1890	21.4	30.2	39.2	39.6	36.1	22.6	— 0.4
	28.4	38.3	48.2	46.0	34.4	17.7	— 3.1

169 NUMBER OF CLOUDY DAYS.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	11	16	20	12	11	18	20
1882	18	15	12	7	8	13	20
1883	12	9	10	9	10	12	18
1884	10	11	20	13	6	15	16
1885	15	12	15	17	15	15	17
1886	14	18	18	18	15	11	15
1887	17	20	18	13	18	15	23
1888	18	17	21	20	12	18	19
1889	20	11	12	19	13	25	27
1890	19	25	12	19	19	14	21
	15.4	15.4	15.8	14.7	12.7	15.6	19.6

NUMBER OF DAYS OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	8	14	14	16	13	15	10
1882	9	10	9	11	12	10	15
1883	7	6	8	10	13	9	18
1884	7	7	10	10	6	14	15
1885	12	11	7	17	13	10	16
1886	12	10	9	15	15	10	11
1887	8	7	13	12	18	13	21
1888	11	4	17	17	16	16	13
1889	10	11	7	16	19	26	24
1890	15	12	7	9	13	12	20
	9.9	9.2	10.1	13.3	13.8	13.5	16.3

NUMBER OF CLEAR DAYS.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	2	.....	1	3	4	3	.....
1882	3	5	4	6	7	5	2
1883	6	3	6	3	3	9	4
1884	6	4	.....	4	8	2	1
1885	4	3	.....	3	6	5	3
1886	3	3	3	1	2	1	6
1887	1	2	2	1	1	5	2
1888	1	1	.....	4	4	3	2
1889	1	3	8	1	.....	.....	.....
1890	1	1	3	1	2	3	1
	2.8	2.5	2.7	2.7	3.7	3.6	2.1

Annals of the Physical Observatory, St. Petersburgh—Continued.

CLOUDINESS EXPRESSED IN PERCENTAGE.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	66	78	84	69	61	74	84
1882	75	64	65	48	52	67	82
1883	59	63	57	59	65	55	76
1884	58	66	86	67	47	75	80
1885	71	69	74	76	65	68	75
1886	69	80	76	81	72	70	67
1887	75	79	77	72	82	66	87
1888	82	79	88	77	66	76	81
1889	70	66	62	81	89	92	96
1890	81	91	67	79	80	70	86
	71	73	74	71	68	71	81

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AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	1.14	2.75	3.91	3.25	2.55	3.26	0.72
1882	1.24	1.35	0.70	1.15	4.19	1.39	2.64
1883	0.78	1.39	1.93	1.44	2.57	1.79	1.93
1884	0.65	1.26	2.69	1.12	0.83	2.06	1.19
1885	1.20	2.19	0.51	7.11	2.61	1.13	2.18
1886	1.56	2.23	1.90	5.96	4.54	1.41	1.09
1887	1.20	1.25	3.23	1.96	4.81	3.00	4.83
1888	1.50	0.33	3.54	3.00	5.35	3.90	3.39
1889	0.98	2.56	1.48	3.11	8.02	5.78	4.05
1890	2.72	2.25	1.69	2.30	5.24	4.10	3.46
	1.297	1.756	2.158	3.040	4.071	2.782	2.548

GREATEST AMOUNT OF RAIN IN ONE DAY.

Year.	May.	June.	July.	August.	September.	October.	November.
1881	0.32	0.65	1.23	1.03	1.00	0.97	0.23
1882	0.56	0.44	0.27	0.38	1.66	0.45	1.15
1883	0.19	0.56	0.67	1.10	0.42	0.59	0.52
1884	0.29	0.72	1.02	0.50	0.47	0.79	0.77
1885	0.29	0.59	0.16	1.18	0.50	0.54	0.66
1886	0.27	0.67	0.49	1.10	1.08	0.68	0.28
1887	0.63	0.70	1.56	0.47	2.05	0.67	0.55
1888	0.34	0.22	1.74	0.52	1.00	1.03	0.63
1889	0.76	1.25	0.73	1.36	1.90	1.01	0.96
1890	0.58	0.42	0.91	0.62	2.31	1.01	0.67
	0.423	0.622	0.878	0.826	1.239	0.774	0.642

KORSSOKOWSKIZ.

Annals of the Physical Observatory, St. Petersburgh.

[Latitude, 46° 39′ N.; Longitude, 142° 48′ W.; Elevation, 66 feet.]

MEAN TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1878	43.2	55.2	60.6	66.0	59.5	44.8	27.9
1879	40.8	52.7	64.0	63.0	56.8	45.7	28.8
1880	43.3	50.5	61.2	66.6	58.5	44.8	34.9
1881	44.6	53.6	57.9	63.9	59.5	45.0	32.2
1882	42.1	52.3	57.2	66.4	59.5	45.0	26.1
1883	42.3	52.0	65.1	70.7	59.7	51.8	29.1
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	63.3	56.7	47.7	32.7
1886	46.2	56.5	65.1	68.0	62.1	49.3	.....
1887	41.7	49.3	60.8	67.8	56.1	45.3	32.0
1888	43.3	45.0	60.3	63.0	57.4	45.1	35.1
1889	39.4	51.1	64.0	66.0	56.7	41.2	28.6
1890	43.9	47.1	60.1	.....	.....	.....	.....
	42.8	51.4	61.5	65.9	58.4	46.0	30.7

171 MAXIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1878	58.3	75.6	77.4	84.4	74.7	63.7	52.0
1879	64.2	74.3	75.6	75.4	70.0	59.7	41.4
1880	56.7	66.2	83.7	81.0	72.7	59.9	49.8
1881	59.7	67.3	74.5	79.2	76.5	62.6	53.1
1882	60.6	72.3	70.0	83.1	77.7	60.6	47.7
1883	65.3	66.0	82.2	84.6	73.6	65.5	58.8
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	73.2	72.0	63.5	54.9
1886	62.4	70.2	77.4	79.2	75.4	64.2	.....
1887	54.7	64.9	74.1	82.9	72.3	62.6	52.3
1888	58.1	60.6	73.4	79.5	70.5	66.0	55.4
1889	56.1	72.7	75.0	80.4	70.0	56.7	44.6
1890	68.4	64.8	77.7	.....	.....	.....	.....
	60.4	68.6	76.5	80.3	73.2	62.3	51.0

MINIMUM TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1878	29.1	35.8	47.7	52.0	35.4	30.0	8.4
1879	26.4	37.6	50.4	53.8	42.3	33.1	9.5
1880	34.2	36.9	41.0	50.9	38.7	23.0	17.6
1881	31.3	42.6	44.8	51.1	44.4	28.6	12.0
1882	30.9	38.5	46.6	56.5	41.9	25.9	9.7
1883	25.3	36.7	50.2	57.9	45.3	22.8	— 4.0
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	54.0	45.5	29.8	17.4
1886	34.2	38.1	49.1	54.9	50.2	39.6	.....
1887	28.8	38.5	47.3	52.7	39.9	26.2	8.2
1888	29.1	33.6	41.9	50.0	37.2	23.9	14.5
1889	35.6	36.0	52.0	49.5	41.0	23.5	10.6
1890	26.4	36.0	42.8	.....	.....	.....	.....
	30.1	37.3	46.7	53.0	41.9	27.9	10.4

Annals of the Physical Observatory, St. Petersburgh—Continued.

NUMBER OF DAYS CLOUDY.

Year.	May.	June.	July.	August.	September.	October.	November.
1878	.....	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	7	12
1881	9	13	16	11	6	7	6
1882	10	14	9	4	13	15	12
1883	4	4	12	9	10	11	6
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	6	13	13	11
1886	6	12	12	12	10	3	.....
1887	.....	22	19	9	11	5	15
1888	21	22	18	16	8	10	12
1889	15	15	15	12	.....	.....	.....
1890	14	25	12	.....	.....	.....	.....
	11.3	15.9	14.1	9.9	10.1	8.9	10.6

172 NUMBER OF DAYS OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1878	3	.....	4	1	2	.....	1
1879	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	8	12	11	14	12
1881	11	11	14	8	7	9	9
1882	6	12	3	5	10	6	6
1883	5	7	4	2	13	3	1
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....	.....
1888	.....	.....	.....	.....	.....	.....	.....
1889	.....	.....	.....	.....	.....	.....	.....
1890	14	13	8	.....	.....	.....	.....
	7.4	10.8	6.8	5.6	8.6	8.0	5.8

NUMBER OF CLEAR DAYS.

Year.	May.	June.	July.	August.	September.	October.	November.
1878	.....	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	3
1881	10	7	4	8	11	4	2
1882	2	2	2	5	6	5	.....
1883	7	6	3	6	5	7	9
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	2	6	5	3
1886	4	4	7	6	8	6	.....
1887	.....	2	2	6	3	6	4
1888	3	2	3	1	6	3	5
1889	4	6	10	4	.....	.....	.....
1890	4	.....	4	.....	.....	.....	.....
	4.9	4.1	4.4	9.5	6.4	5.1	4.3

Annals of the Physical Observatory, St. Petersburgh—Continued.

CLOUDINESS EXPRESSED IN PERCENTAGE.

Year.	May.	June.	July.	August.	September.	October.	November.
1878	.....	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	88	.....	74	63
1881	45	61	70	57	46	58	60
1882	65	75	69	45	64	68	74
1883	46	49	67	54	58	60	44
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	67	61	63	62
1886	64	69	62	59	55	49	.....
1887	48	83	77	58	64	48	67
1888	79	81	79	78	52	61	61
1889	71	62	57	62	.....	.....	.....
1890	66	90	66	.....	.....	.....	.....
	60	71	68	63	57	60	62

173 AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1878	.....	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	.....	.....
1882	1.54	2.10	0.38	1.22	3.02	2.05	1.01
1883	0.03	0.50	0.93	0.06	2.18	1.11	0.11
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....	.....
1888	.....	.....	.....	.....	.....	.....	.....
1889	.....	.....	.....	.....	.....	.....	.....
1890	2.02	1.89	1.28	.....	.....	.....	.....

GREATEST AMOUNT OF RAIN IN ONE DAY.

Year.	May.	June.	July.	August.	September.	October.	November.
1878	.....	.....	.....	.....	.....	.....	.....
1879	.....	.....	.....	.....	.....	.....	.....
1880	.....	.....	.....	.....	.....	.....	.....
1881	.....	.....	.....	.....	.....	.....	.....
1882	0.78	0.39	0.20	0.54	0.72	1.17	0.29
1883	0.02	0.39	0.31	0.04	0.75	0.42	0.11
1884	.....	.....	.....	.....	.....	.....	.....
1885	.....	.....	.....	.....	.....	.....	.....
1886	.....	.....	.....	.....	.....	.....	.....
1887	.....	.....	.....	.....	.....	.....	.....
1888	.....	.....	.....	.....	.....	.....	.....
1889	.....	.....	.....	.....	.....	.....	.....
1890	0.43	0.34	0.35	.....	.....	.....	.....

NEMURO, JAPAN.

Annual Reports of the Meteorological Central Observatory, Tôkiô.

[Latitude, 43° 20′ N.; Longitude, 145° 35′ E.; Elevation, 43 feet.]

MEAN TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1884	43.2	48.4	58.6	61.5	57.6	49.1	35.2
1885	42.3	51.1	56.1	62.4	57.4	50.0	41.4
1886	45.3	52.7	60.1	67.6	62.1	53.2	39.9
1887	41.0	46.4	58.5	65.8	59.4	51.1	42.6
1888	45.7	44.6	60.1	63.3	58.5	51.3	42.4
1889	41.0	49.1	57.4	64.8	57.6	48.0	37.2
1890	46.8	50.7	59.2	66.7	65.3	51.6	42.3
	43.6	49.0	58.6	64.6	59.7	50.6	40.1

174 MEAN OF MAXIMA TEMPERATURES (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1884	51.8	56.7	66.4	68.0	62.8	54.9	41.5
1885	50.0	60.3	63.1	68.7	63.0	56.1	46.2
1886	52.7	59.9	66.4	74.7	67.6	59.5	45.3
1887	47.8	52.0	66.0	73.2	66.2	57.2	49.5
1888	54.3	49.6	69.4	71.1	64.6	57.6	47.3
1889	47.7	57.4	65.1	72.5	64.4	54.9	43.3
1890	55.9	58.3	67.3	72.9	70.7	57.2	48.9
	51.5	56.3	66.2	71.6	65.6	56.8	46.0

ABSOLUTE MAXIMUM TEMPERATURES (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1884	65.8	73.0	89.1	75.2	69.3	66.2	55.0
1885	71.6	77.9	80.4	82.2	72.5	72.3	60.6
1886	65.7	78.8	79.2	85.6	82.0	67.6	55.0
1887	63.3	60.6	83.8	84.0	75.9	66.9	60.3
1888	72.7	60.3	83.5	85.8	73.9	67.3	56.5
1889	61.2	75.7	85.8	77.7	83.5	61.5	55.0
1890	70.9	72.0	79.7	82.6	81.9	63.7	63.1
	67.3	71.2	83.1	81.9	77.0	66.5	57.9

MEAN MINIMA TEMPERATURE (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1884	33.8	39.9	50.0	53.6	50.7	40.6	26.8
1885	25.5	36.1	47.3	55.0	49.5	41.7	33.1
1886	39.0	46.8	54.7	61.7	56.7	46.9	34.0
1887	35.4	42.1	51.6	59.5	52.9	44.8	35.6
1888	38.1	39.9	52.9	56.8	52.5	44.4	36.9
1889	35.2	42.1	51.1	58.3	51.8	41.0	30.6
1890	39.0	44.8	52.7	61.9	59.7	45.1	34.9
	35.1	41.7	51.5	58.1	53.4	43.5	33.1

Annual Reports of the Meteorological Central Observatory, Tôkiô—Continued.

ABSOLUTE MINIMUM TEMPERATURES (Fahr.).

Year.	May.	June.	July.	August.	September.	October.	November.
	Degrees.	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*	*Degrees.*
1884	29.8	33.1	36.7	45.7	40.6	30.0	12.9
1885	19.9	23.2	40.1	43.5	41.2	30.0	22.3
1886	33.1	37.9	42.8	54.7	47.1	36.0	20.8
1887	28.0	35.8	41.0	49.8	42.3	37.8	19.9
1888	32.0	35.1	41.0	51.1	42.3	36.3	23.4
1889	29.3	35.1	41.5	45.7	41.4	30.9	16.9
1890	34.0	40.5	41.4	51.8	48.2	37.0	18.9
	29.4	34.4	40.6	48.9	43.3	34.0	19.3

175

NUMBER OF DAYS CLOUDY.

Year.	May.	June.	July.	August.	September.	October.	November.
1884	13	20	20	15	19	6	10
1885	9	9	17	16	13	8	8
1886	11	13	20	8	16	5	5
1887	14	25	16	13	6	10	9
1888	11	22	18	11	14	9	15
1889	20	13	20	12	12	3	9
1890	12	20	15	22	18	14	7
	12.9	17.4	18.0	13.9	14.0	7.9	9.0

NUMBER OF DAYS OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1884	8	5	7	6	7	8	8
1885	10	8	14	16	22	14	17
1886	12	13	14	9	21	14	12
1887	16	17	20	14	15	9	16
1888	14	17	15	9	14	11	15
1889	13	15	10	8	14	19	15
1890	9	11	10	16	17	17	12
	11.7	12.3	12.9	11.1	15.7	13.1	13.6

NUMBER OF DAYS CLEAR.

Year.	May.	June.	July.	August.	September.	October.	November.
1884	.....	.....	.....	1	1	2	3
1885	4	3	.....	2	3	5	5
1886	1	1	.....	4	1	8	5
1887	1	.....	1	3	5	10	3
1888	2	.....	3	.....	3	5	4
1889	1	3	1	.....	4	4	2
1890	1	.....	.....	.....	1	4	2
	1.7	1.0	0.7	1.4	2.6	5.4	3.4

CLOUDINESS EXPRESSED IN PERCENTAGE.

Year.	May.	June.	July.	August.	September.	October.	November.
1884	74	84	82	77	84	62	62
1885	58	60	81	74	70	57	57
1886	61	74	81	63	74	52	51
1887	70	89	77	67	52	50	57
1888	63	85	74	69	65	54	65
1889	76	71	78	62	61	48	56
1890	65	85	77	87	78	65	53
	67	78	79	71	69	55	57

Annual Reports of the Meteorological Central Observatory, Tôkiô—Continued.

176 AMOUNT OF PRECIPITATION.

Year.	May.	June.	July.	August.	September.	October.	November.
1884	3.41	1.89	3.28	4.71	3.20	2.70	3.44
1885	3.85	2.22	3.41	4.22	8.44	7.17	6.41
1886	4.03	2.94	2.43	4.45	7.43	2.57	2.04
1887	5.03	1.81	2.07	1.29	3.76	4.02	6.06
1888	5.00	8.54	2.19	3.30	6.07	4.15	3.85
1889	2.85	2.78	4.12	4.40	10.63	3.54	1.49
1890	3.56	3.78	2.68	2.04	5.58	4.85	5.79
	3 96	3.42	2.88	3.49	6.44	4.14	4.15

GREATEST AMOUNT OF RAIN IN ONE DAY.

Year.	May.	June.	July.	August.	September.	October.	November.
1884	0.99	0.91	0.77	1.55	1.59	1.36	1.18
1885	1.65	0.96	0.82	2.27	3.51	2.30	1.17
1886	0.73	1.04	1.02	1.27	1.64	0.78	0.98
1887	0.91	0.62	0.42	0.75	1.16	1.45	2.17
1888	1.75	1.86	0.77	1.92	1.98	1.53	1.36
1889	0.70	1.04	2.41	1.61	3.30	1.72	0.32
1890	1.75	1.07	1.50	0.82	1.81	1.05	2.00
	1.21	1.07	1.10	1.46	2.14	1.46	1.31

177 EXTRACTS ILLUSTRATING THE DAMAGE DONE BY SEALS TO FISHERIES.

Injuries to the Fisheries in the Baltic by Seals. By Mr. Hinckelmann.

BALTIC FISHERIES.

Bull. United States Fish Commission, vol. vii, 1887, p. 81.

"The constantly increasing number of seals on our Baltic coasts has become so serious a danger to our coast fisheries that it appears high time to find ways and means to keep these injurious animals away from our shores. Ten or fifteen years ago, when our fishermen still underrated their destructiveness, and at best were amused to see one of them, it was hardly thought possible that these animals would one day endanger the fisheries on the coast of Slesswick-Holstein, where they formerly appeared only in small numbers and at places where there was not much chance of their injuring the fisheries."

* * * * *

Ibid., p. 82.

"It is not easy to answer the question as to how the evil can best be remedied, for even the use of poisoned fish as bait (apart from the danger connected with this method) would not be of any use, because the seals are very choice in the selection of their food, and would only take to the dead bait if there was absolutely no chance to get fresh fish, a case which will hardly ever occur in the open sea. It might be recommended to make an experiment with bow-nets made of galvanized iron wire, painted brown, like the colour of the bow-nets usually employed. The shape of these bow-nets should be that of the common bow-nets used for catching cod, but the entrances to the different chambers should be so arranged as to make it easy for the seals to slip in. Live fish—especially cod, of which the seals are very fond—might, if necessary, be put in these bow-nets when they are set; but there would probably be no lack of bait to attract the seals, as even in wire bow-nets plenty of fish are caught. Such an experiment, which should be made in places frequented by seals, would not involve any great expense, and would certainly be a step toward solving the question as to the best way of protecting the fishermen against the seals."

Notes on the Hatcheries and Fresh-Water Fisheries of Iceland.
By Bened. S. Thorarinsson.

ICELAND FISHERIES,

* * * * *

"The attention of the Legislative Assembly was not specially directed to this matter of protecting the fisheries, nor were laws enacted on this subject before 1885; and the present laws are in many instances primitive, imperfect, and inconvenient, according to the conditions of the country. One of the worst features is that in regard to seals, which are so injurious to the salmon fisheries. This is contained in section 4 of the following Statute. The defective point about this bit of legislation is that in all salmon rivers (with one exception) and their mouths, where there are seals there are also seal-catching places, so that the law is of little or no benefit to the salmon, as it is forbidden to disturb the seals in the places where they are at all easily accessible." Ibid., p. 124.

Section 4 referred to is as follows:

"Section 4. In rivers and their mouths where there are salmon, it is allowed to shoot or frighten seals, with the restriction that the inviolability of breeding and seal-catching places, which are thus especially proclaimed, must not be infringed upon, except with the penalty of full damages, according to the estimate of good men nominated by the Judge and sworn in Court."

DENMARK.

"Owing to rewards now granted by Fishing Society of Denmark, amounting to 3 kroners for each seal killed, according to the Copenhagen correspondent of our contemporary, 'Industries,' the extermination of seals is now being energetically pursued in Danish waters. It appears that in those localities where the fishery industry has been pursued with least success the seals most abound. A seal is seldom seen in the neighbourhood of Middlefart, in the Little Belt, as the fishermen in that neighbourhood are very active in fishing and seal-hunting." "Nautical Magazine," vol. lix, No. 2, November 1890.

"*Au contraire*, on the small Island of Hosselo, north of Zealand, one man sent in the heads of no less than 120 seals, while another man sent in 40 within the last ten months. During this period 810 seals have been killed."

DAMAGE IN ESSEX COUNTY, MASS.

On the coast of the United States, also, similar facts have been observed even in the present year, as shown by the following paragraph:

A LARGE SEAL MIGRATION.—The bay fishing in Essex County, Massachusetts, has been so seriously injured by the alleged depredations of seals that the authorities offered a bounty of 1 dollar each for killing them. During 1891 the fishermen killed forty-four on the coast and in the rivers of the county. "Forest and Stream," February 11, 1892.

BEHRING SEA ARBITRATION.

APPENDIX

TO

COUNTER-CASE OF HER MAJESTY'S GOVERNMENT.

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1 # SYNOPSIS OF EVIDENCE RELATING TO CERTAIN SUBJECTS CONTAINED IN THE AFFIDAVITS AND STATEMENTS ANNEXED.

I. Table showing experience in pelagic sealing of those giving evidence on this subject.
II. Table showing actual numbers of seals taken by pelagic sealers compared with those lost by sinking, and resulting loss per cent.
III. Statements respecting number of seals lost by sinking before recovery when killed at sea.
IV. Statements respecting the number of seals which may escape capture after being wounded by hunters at sea.
V. Statements respecting the composition of the catch made by various pelagic sealers, in relation to the proportionate number of males and females, &c.
VI. Statements relating to the taking of female seals in milk.
VII. Statements particularly bearing on the intermingling of fur-seals in all parts of the North Pacific.
VIII. Statements showing the occurrence of fur-seals to the south of the Aleutian Islands during the summer months.
IX. Statements relating to the abundance or otherwise of fur-seals at sea in late years.
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XI. Statements respecting the resort of fur-seals to new breeding-places from time to time.
XII. Statements of sealers relating to comparison between seals obtained on the American and Asiatic sides of the North Pacific.
XIII. Statements of sealers respecting the possibility of distinguishing the sex of seals by appearance of skins.
XIV. References to distribution of seals of different sexes and ages at sea.
XV. Statements relating to raids made upon the Pribyloff Islands.
XVI. Reference of affidavits relating to the absence of sealing-vessels from Behring Sea in 1892.

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2 I.—*Table showing Experience in Pelagic Sealing of those giving Evidence (Indians not included).*

Name.	Number of Years' Experience.	Capacity in which Experience gained.	Page of Appendix.
Algar, Henry S.	2	Master	115
Baker, Wentworth	5	4 years master and hunter; 1 year master	74
Beckingham, Joseph J	2	Boat-steerer and boat-puller	115
Bertram, Albert J	6	4 years hunter	93
Billard, Abraham	2	Hunter	56
Bissett, Alfred R	3	Master and hunter	60
Blomquist, Charles	1	Boat-steerer	111
Bonde, Neils	4	Seaman and boat-steerer	94
Bragg, William T	8	Hunter	56
Brown, Joseph	6	Ditto	101
Brown, William	14	Hunter and trader	118
Brown, Thomas H	5	1 year boat-steerer; 4 years hunter	181
Brown, Joseph	6	5 years boat-steerer; 1 year hunter	49
Browne, Henry S	5	Boat-puller	88
Buchholz, Otto	3	Master	53
Buckman, S. W	1	Ditto	112
Burns, Charles O	2	1 year boat-steerer; 1 year hunter	103

I.—*Table showing Experience in Pelagic Sealing of those giving Evidence (Indians not included)*—Continued.

Name.	Number of Years' Experience.	Capacity in which Experience gained	Page of Appendix.
Campbell, Frank	5	3 years boat-puller and boat-steerer; 2 years hunter.	49
Campbell, A. S	3	Hunter	48
Campbell, Charles	2	Master and hunter	77
Cantillion, Edward	4	Hunter	117
Carlson, Adolphe F	10	Ditto	128
Carlson, Peter	4	2 years boat-steerer; 2 years hunter	135
Carthcut, James	9	Master and owner	138
Christian, John	2	Hunter	86
Christian, Wallace M	1	Ditto	45
Coburn, John	5	Ditto	106
Conners, William	6	Ditto	129
Cowie, William	2	1 year boat-steerer; 1 year hunter	49
Crew, James W	7	Hunter	133
Crocker, Fred	12	Ditto	129
Cullen, Melville F	2	Master	86
De Witt, William	4	Hunter	62
Dillon, C. F	8	Master and hunter	47
Dishow, George	6	Hunter	57
Douglas, Abel	8	3 years hunter; 5 years master and hunter	52
Edwards, William	2	Hunter	43
Edwards, Maurice	2	Ditto	44
Fanning, J. S	4	Hunter	55
Farley, William A	3	Ditto	86
Fewings, William	6	Ditto	78
Figuera, John	4	Hunter and boat-steerer	125
Findley, Robert S	4	1 year boat-steerer; 3 years hunter	97
Folger, A. C	18	Sea-otter or seal hunting; 10 years seal hunting.	88, 90, 91
Ford, James	2	Hunter	133
Francis, Charles	4	1 year boat-puller; 3 years hunter	104
French, George F	3	Hunter	44, 66
Garner, Thomas	3	Hunter	98
Gaudin, James	1	Master	111
Gerow, G. C	5	Hunter	110
Goudie, William G	5	Ditto	63
Haake, John H	5	2 years boat-puller; 3 years hunter	64
Hall, Joseph	2	Hunter	78
Hammel, Peter	2	Ditto	137
Harris, Charles J	4	As master each year	50
Hartiwen, Charles	16	Hunter and master	122
Heater, George	3	1 year seaman; 2 years master	93
Heay, Walter	6	5 years boat-steerer; 1 year hunter	87
Hermann, William	7	Hunter	118
Hodgson, Norman	5	Ditto	134
Hughes, William O	2	Master	100
Jacobsen, Victor	11	Master and hunter	83
Jolibis, Peter	3	Hunter	45
Jones, Hiram B	5	2 years hunter; 3 years master and hunter	116
Keefe, Michael	6	2 years mate; 4 years master	105
Kraft, John	8	3 years hunter	183
Laing, Andrew D	12	Mate, master, and hunter	168
Laing, David	9	First engaged in sealing in 1867	79
Lavender, R. O	5	1 year hunter; 4 years master	54
Le Blanc, E. C	1	Master	45
Le Blanc, Charles	5	2 years boat-steerer; 2 years mate; 1 year hunter.	50
3 Lewis, Dan. A	4	Hunter	136
Locke, Colin	1	Ditto	71
Lorenz, Ernest	3	1 year mate; 2 years master; hunts a little	73
Lund, Harry J	2	Hunter	131
Lutjens, Charles	7	Master	121
McDonald, George	6	1 year mate; 5 years master	77
McGarva, Andrew	5	3 years hunter	95
McGrath, Luke	2	1 year hunter; 1 year boat-steerer	46, 102
McGrath, Matthew	1	Hunter	88
McKiel, Andrew	2	Mate	109
McKiel, Robert	6	Master; hunts a little as well	76
McLean, Laughlin	7	Master and hunter	63
McRae, James	2	Hunter	48, 101
Magnesen, Theodor	4	Master	74
Mathasan, Thorwal	2	Boat-steerer	169
Mathison, Andrew	7	Hunter	68
Matthews, John	2	Ditto	109

I.—*Table showing Experience in Pelagic Sealing of those giving Evidence (Indians not included)*—Continued.

Name.	Number of Years' Experience.	Capacity in which Experience gained.	Page of Appendix.
Miner, G. E	6	Hunter	96
Miner, Edward P	12	Hunter and master	113
Mockler, C. E	3	Ditto	126
Moreau, Frank	6	Hunter	135
Morris, John	5	Mate and master	172
Morrison, Neil	5	1 year boat-steerer; 4 years hunter	82
O'Leary, William	7	Master and hunter	59
O'Leary, Thomas	2	Ditto	46
O'Quinn, Isaac	2	Hunter	75
Paxton, Henry	13	In sealing business 13 years	92
Peters, Charles	5	Mate	91
Peterson, P. E	2	Hunter	131
Petit, William	7	Master and hunter	43
Pickney, Micajah	2	1 year mate; 1 year master	100
Ramlose, Emil	7	1 year boat-puller; 1 year boat-steerer; 5 years hunter.	72
Reppen, August	9	Mate and master; hunted as well	80
Roberts, George	4	2 years steward; 2 years hunter	53
Roland, W. F	3	Hunter	107
Roland, A. W	3	Ditto	108
Ryan, Matthew	10	Boat-steerer and hunter	54
Scarf, Oscar	6	Hunter	67
Scott, George	15	Ditto	119
Scott, Milton	3	Ditto	123
Shafter, William O	8	Ditto	124
Shields, James	6	Ditto	65
Shields, William	7	Ditto	69
Sieward, H. F	5	Master and hunter	47
Sinclair, Abner	1	Hunter	43
Siteman, James	5	First mate	103
Smith, Herman R	12	Seaman, mate, hunter, and master	61
Starrat, Ralph	3	Hunter	48
Strong, Fred. W	4	Ditto	68
Todd, James W	6	Master and hunter	85
Thiers, Lee J	2	Hunter	127
Townsend, John	3	1 year mate and hunter; 2 years hunter	50
Upson, Warren F	13	Hunter	127
Warren, James D	20	Master	98
Warrington, F. R	6	5 years boat-steerer; 1 year hunter	96
Wells, George	3	Hunter	106
Wester, George	7	Master and hunter	120
Williams, C. A	5	Hunter	70
Williams, John	1	Mate	85
Worth, John	4	Hunter	124

The men whose names are included in the above Table may be further classified as to the number of years' experience they have had, as follows:

9 of 1 year's experience.
26 of 2 years' "
17 of 3 " "
14 of 4 " "
19 of 5 " "
16 of 6 years' experience.
9 of 7 " "
6 of 8 " "
3 of 9 " "
15 of 10 or more years' experience.

4 II.—*Actual Numbers of Seals taken by Pelagic Sealers compared with those lost by Sinking, and resulting Loss per Cent.*

In the majority of instances, hunters swear that careful count was kept of the seals lost by sinking.

Where two numbers are given as representing the number of seals lost by sinking, the larger has always been used in determining the percentage lost, and in setting down the percentage itself the figure after the decimal point has always been made large, not small—thus, 4.33 would be written 4.4.

No choice was made of men when the affidavits were taken, and no affidavits in which actual figures were given have been omitted in preparing this table.

WHITE HUNTERS.

Name.	Vessel.	Skins obtained.	Seals lost.	Loss per cent.	Approximate Loss per cent.	Year.	Remarks.
John Townsend....	Maggie Mac.....	Between 60 and 70	.....	.....	.....	1890	Shipped as mate.
Ditto	Viva.....	270	10	3.7	.....	1891	Hunter.
Ditto	Mary Taylor.....	172	3	1.7	.....	1892	Ditto.
Charles le Blanc ...	Annie E. Paint....	200	4	2.0	.....	1892	First year as hunter.
Abel Douglas.....	Triumph.....	More than 160	0	.....	.....	1888	Master.
Ditto	Ditto	460	11	2.4	.....	1889	
Ditto	Ditto	300	8	2.7	.....	1890	
Ditto	Arietas	147	4	2.7	.....	1892	Master.
George Roberts....	Teresa.....	232	7	3.0	.....	1891	First year as hunter.
Ditto	Annie E. Paint...	222	5	2.3	.....	1892	Four other hunters on "Annie E. Paint" lost about same proportion.
Matthew Ryan.....	Ditto	319	12 or 15	4.7	.....	1891	Boat-steerer. Figures given are of seals killed by hunter.
Ditto	Ditto	249	7	2.4	.....	1892	Hunter.
Thorwal Mathason.	Oscar and Hattie .	243	5	2.0	.....	1891	Boat-steerer. Figures given are of seals killed by hunter.
Ditto	Dora Sieward.....	142	8	2.0	.....	1892	
J. S. Fanning	Lillie L.....	227	About 20	8.8	.....	1889	First year as hunter.
Ditto	Allie J. Algar....	.....	.....	.....	.....	1890	Not out long. No count kept.
Ditto	Henry Dennis	167	7	4.2	.....	1891	
Ditto	Ditto	385	14	3.6	.....	1892	
Abraham Billard ..	Beatrice	120	7	5.8	.....	1891	Master; hunted also.
Ditto	Maud S.....	264	6	2.3	.....	1892	Hunter.
W. T. Bragg.....	Annie C. Moore...	485	10	2.0	.....	1891	Ditto.
Ditto	Agnes Macdonald.	173	4	2.3	.....	1892	
George Dishow	Favourite	300	3	1.0	.....	1887	Ditto.
Ditto	Penelope.....	300	5	1.7	.....	1888	
Ditto	Ditto	461	5	1.0	.....	1889	
Ditto	Walter L. Rich...	364	5	1.4	.....	1890	
Ditto	Umbrina.....	223	6	2.7	.....	1891	
Ditto	Ditto	303	10	3.3	.....	1892	
Otto Buchholz.....	Sea Lion.....	48	2	4.0	.....	1892	Master, but hunted as well.
Ralph Starrat.....	Oscar and Hattie..	111	4	3.6	.....	1892	Hunter.
William O'Leary ..	Geneva	34	0	.....	.....	1892	Master.
William Cowie.....	Oscar and Hattie..	106	3	3.0	.....	1892	Hunter.
Frank Campbell...	Ditto	65	1	1.5	.....	1892	Ditto.
Joseph Brown.....	Ditto	91	1	1.1	.....	1892	Ditto.
William Dewitt....	Penelope.....	217	Between 15 and 20	8.0	.....	1890	Ditto.
Ditto	Viva.....	290	9	3.1	.....	1891	
Ditto	Sea Lion.....	420	7	1.7	.....	1892	

WHITE HUNTERS—Continued.

Name.	Vessel.	Skins obtained.	Seals lost.	Loss per cent.	Approximate loss per cent.	Year.	Remarks.
5							
William C. Goudie	Mollie Adams / Edward Webster	193	7	3.6	.....	1888	Hunter.
Ditto	Mollie Adams	250	3	1.2	.....	1889	
Ditto	Carlotta G. Cox	387	5	.3	.....	1891	
Ditto	Ditto	442	2	0.5	.....	1892	
J. H. Haake	Walter L. Rich	151	7	4.6	.....	1890	Ditto.
Ditto	Ocean Belle	275	12	4.7	.....	1891	
Ditto	Walter A. Earle	352	14	3.9	.....	1892	
James Shields	E. B. Marvin	133	0	.....	.....	1891	Ditto.
Ditto	Ditto	308	3	1.0	.....	1892	
George French	Hamilton Lewis	320	12	3.8	.....	1890	Ditto.
Ditto	City of San Diego	280	5	1.8	.....	1891	
Ditto	Ditto	142	3	2.1	.....	1892	
Oscar Scarf	Pathfinder	348	10	2.9	.....	1887	Ditto.
Ditto	Ditto	683	6	0.9	.....	1888	
Ditto	Viva	597	15	2.5	.....	1889	
Ditto	Ditto	443	6	1.4	.....	1890	
Ditto	Carmolite	517	7	1.4	.....	1891	
Ditto	Agnes Macdonald	200	2	1.0	.....	1892	Started late.
F. W. Strong	Mollie Adams	About 300	0	.....	.....	1888	Hunter.
Ditto	Edw. E. Webster	307	0	.....	.....	1889	
Ditto	Thistle	59	1	1.7	.....	1891	
Ditto	Maud S.	264	1	0.4	.....	1892	
Andrew Mathison	Triumph	151	6	4.0	.....	1890	Hunter.
Ditto	May Belle	371	17	4.6	.....	1891	
Ditto	Sea Lion	341	9	3.1	.....	1892	
Wm. Shields	E. B. Marvin	641	32	5.0	.....	1889	Hunter.
Ditto	Ditto	475	21	4.4	.....	1890	
Ditto	Ditto	181	4	2.2	.....	1891	Vessel warned.
Ditto	Ditto	408	19	4.7	.....	1892	
C. A. Williams	Penelope	38	0	.....	.....	1888	Hunted a short time only.
Ditto	Walter P. Rich	248	10	4.0	.....	1889	
Ditto	Penelope	282	7	2.5	.....	1890	
Ditto	Viva	382	13	3.4	.....	1891	
Ditto	Agnes McDonald	150	5	3.3	.....	1892	Started very late.
Colin Locke	Libbie / Annie C. Moore	67	5	7.4	.....	1892	Sailing master. No experience as hunter.
Emil Ramlose	May Belle	246	12	4.9	.....	1891	
Ditto	Walter A. Earle	415	7	1.7	.....	1892	
Wentworth E. Baker.	Viva	75	8	10.1	.....	1888	Master every year; hunted from stern boat. Did not hunt at all in 1892.
Ditto	Ditto	67	Not more than 5	7.5	.....	1889	
Ditto	Ditto	86	Not more than 4	4.8	.....	1890	
Ditto	Ditto	55	1	1.8	.....	1891	
Isaac O'Quin	Maud S.	235	10	4.2	.....	1891	Hunter.
Ditto	Sea Lion	347	4	1.1	.....	1892	
Robert McKiel	Mary Taylor / Beatrice / E. B. Marvin / Maud S.	52	1	2.0	.....	1887 to 1892	Master; but hunted a little each year.
Edward P. Miner	Penelope	About 400	4 or 5	1.2	.....	1887	Master and hunter.
Ditto	Lillie L.	.....	.....	.....	About same per cent. as 1887	1888	Figures not given.
Ditto	Ditto	.....	.....	.....	About same per cent. as 1888	1889	Figures not given.
Ditto	Allie J. Algar	350	4 or 5	1.4	.....	1890	Master and hunter.
Ditto	Henry Dennis	159	7 or 8	5.0	.....	1892	Hunted very little, and lost more than ever before.
Joseph Hall	Maggie Mac	96	2	2.0	.....	1891	Returned to Victoria in July.
Ditto	C. H. Tupper	225	1	0.5	.....	1892	
David Laing	W. P. Sayward	26	0	.....	.....	1891	Mate both years; but hunted in stern boat.
Ditto	Ditto	42	0	.....	.....	1892	
Thos. H. Brown	Mary Ellen	370	7 or 8	2.2	.....	1889	Hunter.
Ditto	Maggie Mac	388	12	3.0	.....	1890	

WHITE HUNTERS—Continued.

Name.	Vessel.	Skins obtained.	Seals lost.	Loss per cent.	Approximate loss per cent.	Year.	Remarks.
Thos. H. Brown	Maud S	331	10	3.0		1891	
Ditto	Ditto	348	7	2.0		1892	
Neil Morrison	Penelope	119	6	5.0		1891	Hunter.
Ditto	W. P. Sayward	202	10	5.0		1892	
Victor Jacobsen	Minnie (?)	308	6 or 7	2.3		1890	Master and hunter.
Ditto	Mary Ellen	More than 30	1	3.3		1892	
Jas. W. Todd	Rustler Lily L City of San Diego Penelope Enterprise	20 to 50 each year			Never more than 2. Sometimes none.		Six years a master; hunted a little every year.
William A. Farley	Mascotte	29	0				Mate; but hunted a little.
John Christian	Ocean Belle	303	10	3.3		1891	Hunter.
Ditto	Mascotte	144	1	0.7		1892	
Matthew McGrath	Geneva	174	3	1.7		1892	Hunter.
Walter Heay	W. P. Sayward	168	15	8.9		1892	All the seals lost were "travellers" on Asiatic side.
6							
Jos. J. Beckenham	W. P. Sayward	46	0			1892	Boat-puller two years. Not one seal in 100 is lost.
Edward Cantillion	Allie J. Algar	About 400	12	3.0		1889	Hunter.
Ditto	Viva	450	5 to 8	1.8		1890	
Ditto	Thistle	80	3 or 4			1891	Sealed but a short time.
Ditto	William Ainsworth	223	5	2.2		1892	
Albert C. Folger	Annie C. Moore	About 400	Not 5	1.3		1891	
George Heater	Rosie Olsen	25	2	8.0		1891	
Ditto	Ainoko	28	0				
A. J. Bertram	Annie C. Moore	352	21	6.0		1889	
Ditto	Penelope	192	15	7.0		1890	
Ditto	Ditto	331	12	3.6		1892	
Andrew McGarva	Bessie Ratler	181	2	1.1		1890	
Ditto	C. H. Tupper	115	1	0.9		1891	
Ditto	W. P. Sayward	194	11	5.6		1892	Boat-steerer. Poor in 1892.
Robt. S. Findley	Maude S	243	10	4.1		1892	
Thomas Garner	C. H. Tupper	216	20	9.2		1890	Includes badly wounded seals.
Ditto	Louis Olsen	127	2	1.5		1891	
Ditto	C. H. Tupper	344	3	0.8		1892	
John Kraft	Vancouver Belle	28	0			1891	Ordered out of Behring Sea.
Ditto	Ditto	219	4 or 5	2.3		1892	
G. E. Miner	Henry Dennis	200	1	0.5		1891	
Ditto	Ditto	384	10	2.6			
C. O. Burns	Viva	399	4	1.0		1891	Boat-steerer. Figures given are of hunter with whom he was.
Ditto	Carmolite	244	5	2.0		1892	Hunted himself.
James McRae	Viva	214	15	7.0		1891	Catch of hunter he was with.
Ditto	Oscar and Hattie	66	2	3.0		1892	Hunted himself.
Joseph Brown	Carmolite	300	9	3.0		1891	Boat-steerer.
Ditto	City of San Diego	76	5	6.6		1887	Ditto.
Ditto	Triumph	15	0			1889	Ditto.
Ditto	Oscar and Hattie	90	1	1.1		1892	Hunted himself.
W. Herman		52	3	5.8			
Ditto	C. H. White	20	0			1892	
Charles Hartiwen	Louis Olsen	182	2	1.1		1892	
Milton Scott	Viva	390	13	3.3		1891	
Ditto	Henry Dennis	398	3	0.8		1891	
Charles Francis	Walter L. Rich	226	6	2.6		1890	
Ditto	Brenda	127	10	8.0		1892	
John Coburn	Edward E. Webster	150	0			1888	

WHITE HUNTERS—Continued.

Name.	Vessel.	Skins obtained.	Seals lost.	Loss per cent.	Approximate loss per cent.	Year.	Remarks.
John Coburn	E. B. Marvin	350	0	.....	.....	1889	
Ditto	Annie C. Moore	260	1	0.4	.....	1890	
Ditto	Pioneer	404	0	.....	.....	1891	
Ditto	Carmolite	250	1	0.4	.....	1892	
John Figuera	Sophie Sutherland	95	5	5.1	.....	1891	
C. E. Mockler	Mattie Dyer	80	3	4.0	.....	1892	Master.
Lee J. Thiers	Ditto	236	7	2.5	.....	1892	
George Wells	Annie C. Moore	234	0	.....	.....	1890	
Ditto	Pioneer	422	0	.....	.....	1891	
Ditto	Carmolite	308	2	0.7	.....	1892	
W. O. Shafter	Henry Dennis	151	3	2.0	.....	1891	
William Conners	Louis Olsen	266	7	2.6	.....	1892	
P. E. Peterson	Lily L	79	3	3.8	.....	1892	
H. G. Lund	City of San Diego	152	7	4.6	.....	1891	
James Ford	Emma and Louisa	133	3	2.3	.....	1891	
Ditto	Lily L	124	5	4.0	.....	1892	
William F. Roland	Carlotta C. Cox	505	19	3.8	.....	1892	
A. W. Roland	Ocean Belle	122	2	1.6	.....	1890	
Ditto	Carlotta C. Cox	404	8	2.0	.....	1891	
Ditto	Ditto	364	3	0.8	.....	1892	
John Matthews	Umbrina	188	6	3.0	.....	1891	
Ditto	Brenda	197	4	2.0	.....	1892	
Peter Carlson	C. H. Tupper	260	6	2.3	.....	1891	
Daniel A. Lewis	.....	386	6	1.6	.....	.....	
C. F. Dillon	Minnie	47	0	.....	.....	1892	Master.
Abner Sinclair	Ocean Belle	86	1	1.2	.....	1892	
W. Edwards	Ditto	142	4	2.8	.....	1892	
M. Edwards	Ditto	152	2	1.3	.....	1892	
Wallace R. Christian.	Ditto	73	1	1.4	.....	1892	
Peter Jolibis	City of San Diego	129	4	3.1	.....	1892	
Thomas O'Leary	Ocean Belle	240	10	4.2	.....	1891	
Ditto	Ditto	139	5	3.6	.....	1892	Master.
Luke McGrath	Ditto	193	2	1.0	.....	1891	
Ditto	Dora Sieward	18	0	.....	.....	1892	
Charles Blomquist	.....	149	3	2.0	.....	1891	
Total from above Table		39,879	1,221	3.1			
Total from previous Table in Report of British Commissioners, p. 107.		9,337	381	.....			
Aggregate Statement derived from both Tables.		49,216	1,602	3.2			

7 III.—*Statements respecting Number of Seals lost by Sinking before Recovery when killed at Sea.*

Charles Le Blanc, who has been sealing five seasons as boat-steerer, mate, and hunter, and who has been out with twenty-five different hunters, does not remember any of them losing more than 4 or 5 in 100. "It is always the excuse of a poor hunter that the seals he shot sank, but, as a boat-steerer, I know better."

Captain R. O. Lavender, four years master of sealing-schooners, and one year before this a hunter, that he might learn something of the business, says: "I have hunted every year myself, and have lost not more than 1 out of 20. I explained to the people on the 'Corwin' [in 1892] that the reason some hunters were reported to lose more seals than others was that a hunter was paid according to the number of skins he got, and that killing seals was like killing birds or other animals—the poor hunter excused his lack of skill by saying that he killed the animal, and that it had sunk. The boat-puller knows better than that."

James McRae says: "It is very seldom a seal will sink before it can be got at."

Captain William O'Leary, from talking with his hunters, would say that from 1 to 5 per cent. of the seals killed are lost by sinking.

William Cowie, one year a boat-steerer, and one year a hunter, says that "seals nearly always float long enough to allow one to reach them; the gaff had to be used only twice to keep seals from sinking [in taking 106]."

Frank Campbell, with five years' experience as boat-puller, boat-steerer, and hunter, says: "Seals will float, on an average, from five to ten minutes—sometimes much longer, and sometimes a shorter time."

Joseph Brown, who has been sealing six years, states that "seals float various lengths of time. I have often killed one when two are together, and then followed and killed the other before picking up the first."

Captain Laughlin McLean, master of the sealing-schooner "Favourite" for seven years, thinks that his men lose about a-half of 1 per cent. of the seals they shoot at. He one day gave his hunters 95 cartridges, and they brought in 85 seals, having, of course, missed some altogether.

James Shields, six years a hunter, thinks he lost between 5 and 10 per cent. of the seals he killed the first year, and less than 5 per cent. the next two seasons. In 1891 and 1892, for which years he gives actual number taken and lost, his loss was less than 1 per cent.

George F. French, whose average loss in three years was about 2½ per cent., thinks that about the average loss of average hunters. Most of the seals he lost were "travellers," and about 70 per cent. of those he got were sleepers.

C. A. Williams, who has been a hunter five years, and in 1892 lost 3.3 per cent. of the seals he killed (see Table), states that a good hunter ought not to lose more than he did, and that he had often heard hunters say they had killed a seal that sank when he had seen the shot strike beyond it, and the seal dive.

Captain Theodor Magnesen, four years navigator and master of sealing-vessels, told a United States Agent on the "Corwin," when questioned by him, that between 4 and 5 per cent. of the seals killed were lost by sinking.

Captain Wentworth E. Baker, four years master of the "Viva," and one year of the "C. H. Tupper," killed in 1891 fifty-five seals, and lost one. He says: "Talking with my men, I find this is about the percentage lost, but this year fewer were lost. It is a common excuse of a hunter who has bad luck during the day to say that seals sank."

Captain Robert McKiel, six years master of sealing-schooners, says that few seals are lost by sinking, certainly not more than 5 per cent.; for 1,700 seals his hunters got in 1892, about 40 (2 to 3 per cent.) were lost, according to their count.

Captain Victor Jacobsen, eleven years master of vessels engaged in the sealing business, states that he never has lost many seals by sinking, and that no good hunter does, "for we can always tell whether a seal will sink or not, it shot in a certain place."

Captain James W. Todd, master of sealing-vessels since 1886, states that his experience with hunters has invariably been that good average hunters lose by sinking very few seals, not more than 4 in 100. "Poor hunters often attribute their poor catch to the seals sinking after being

shot, but I know that it is much oftener the case that they miss the seal shot at."

8 *Joseph J. Beckingham*, two years a boat-steerer, thinks there is not 1 seal in 100 killed lost by sinking.

Captain Hiram B. Jones, five years in the sealing business, three as master; hunts a good deal himself, but never kept any account of the number lost by sinking, but says that it would not be more than 3 out of 100.

Henry S. Browne, with five years' experience as a hunter, says: "Very few seals are lost by the hunter killing them and not securing them."

Captain Melville F. Cullen states that in 1891 the hunters on the sealing-schooner "Carmolite," of which he was master, took 2,400 seals, and he never heard the hunters speak of losing many.

John Townsend, three years' experience, says: "I never lost a sleeping seal that I had killed, and it is very seldom that a seal will sink.'

Captain Abel Douglas, eight years' experience, says: "Out of all the seals I have killed I remember of only one shot sleeping and sinking, and nearly all the seals we get are sleeping seals."

William T. Bragg, eight years' experience, says that sleeping seals seldom sink when shot, and that two-thirds of the seals procured are "sleepers."

J. H. Haake, five years' experience as boat-steerer and hunter, states that a sleeping seal never sinks if shot in the head, and that he has frequently seen them float five minutes.

Andrew Mathison, seven years' experience, says: "More than three-quarters of the seals I have got were 'sleepers.' I never lost many sleepers by sinking, my losses were from 'travellers.'"

Thomas H. Brown, four years' experience as a hunter, says there is no chance of a seal sinking before it is got if only one is shot, but sometimes when two are together, and both are shot, one may sink while the other is gone after; most of the seals he lost were lost in that way.

Captain Albert C. Folger, eighteen years' experience as sea-otter and seal hunter, says: "I never have lost many seals, because if I cannot get close enough to be sure of them I don't shoot at all."

Neils Bonde, one year a boat-steerer, states: "I was part of the season with a good hunter, and part with a poor hunter. The good hunter got nearly all the seals he fired at; I am sure he did not sink more than three while I was with him. The poor hunter missed about half of those he fired at; he wounded a few, which escaped; he sunk a few."

George Heater states that his hunters lost very few seals—none to his knowledge—either when speared or shot.

Thomas Garner, who in 1892 took 344 seals and lost 3, says: "I don't think that any good hunter ought to lose more than that."

Frank G. Warrington got this year 103 seals, and thinks he lost 10 or 12, but did not keep any count of them.

G. C. Gerow, five years' experience as hunter, says: "During the last two years I have kept a strict account of the seals shot by me, and would be willing to say, under oath, that I did not lose 1 in 18. Often when I would get thirty or more seals in one day none would be lost, but at other times I would lose quite a large percentage, but in the whole season not more than 1 in 18 would be lost. Of these I am not sure that they were killed, but about that percentage is struck and lost."

Captain James Gaudin, master of steam-ship "Quadra," was, in 1887, master of the sealing-schooner "Ada." His hunters took 1,900 seals, and from their reports he knows that less than 5 per cent. of the seals killed were lost. "Ten or twelve were shot from the schooner, to get which a boat had to be lowered; none were lost, so they must have floated two or three minutes at least."

Captain S. W. Buckman, now a pilot at Victoria, was, in 1889, captain of the sealing schooner "Ariel." He says: "I do not think that more than 1 out of 10 or 15 seals killed is lost at the very outside. While I was out a good many seals were shot from the schooner, and they were nearly always got, although it takes some minutes to lower a boat. I have very seldom seen them sink. Hunters will sometimes shoot three or four seals before picking them up."

Robert Hope was a boat-steerer in 1891, and says that during the entire season but one seal was lost by the boat he was in.

Captain William Petit has been sealing for seven years, generally with Indian hunters. "They lose practically no seals, whether they use a gun or spear. . . . Every year seals are shot from the schooner, and they are almost always got. There is time to unlash and lower a canoe before they sink."

9 *Captain C. F. Dillon* has been sealing every year since 1885, and says: "I have been out with hunters who used spears, and those who used guns. No seals are lost when speared, and from the whole of my experience I would estimate that not more than 5 per cent. of the seals that are shot and killed are lost."

Captain E. C. Le Blanc says that on the way up the coast in 1892, "about a dozen seals were shot from the schooner; to get these a boat had always to be lowered; only one was lost."

Captain Thomas O'Leary says: "A good many seals each season are shot from the schooner, but they are never shot at unless they are pretty sure of getting them."

Captain Henry F. Seward, five years' master of sealing-vessels, says that he makes it a rule never to permit a seal to be shot at from the schooner unless certain that it would be got, "so that none shot in that way are ever lost. It takes three or four minutes to lower a boat, but the seals float long enough to allow us to get them."

Captain Micajah Pickney says: "From what I heard from the hunters they lose very few seals by sinking. . . . Now and then I heard one of the white hunters say he had lost a seal, but how I don't know."

Captain W. O. Hughes says that the loss of seal was always talked over by his hunters, and that he was sure to hear of it. Now and then a hunter reported having lost a seal, but the total loss was very small.

William Hermann, seven seasons a seal-hunter with gun and rifle, says that he does not lose more than 5 seals in 100 he gets.

Captain George Scott states that, in putting the loss at 5 per cent., he gives the advantage to the loss.

George Wester, six years' experience, estimates the number of killed and wounded seals that are lost at 3 per cent. He has made a special study of the number lost.

Captain Charles Lutjens states that in his opinion 5 per cent. will cover the loss of seals after being shot by a good hunter.

Charles Hartiwen has always hunted with a shot-gun and a rifle, and states that he would not lose 5 seals in 100 he would kill or mortally wound.

Captain J. E. Worth says that he has never kept any count of his losses made in shooting, but from 10 to 15 per cent. would certainly cover those that would sink after death, and what would get away mortally wounded.

Captain C. E. Mockler says that he would place the outside loss for a good hunter at 5 per cent.

W. F. Upson says that 10 per cent. will fully cover a careful hunter's loss.

Frederick Crocker thinks a hunter might on an average lose 5 to 10 per cent. of the seals shot.

William Conners thinks that putting it at the outside 5 per cent. is the utmost loss for a good hunter.

James W. Crew places the probable loss of seals by sinking at 5 per cent.

Frank Moreau, five years' experience: "The loss from sinking through being killed or mortally wounded would not be greater than 8 per cent., which would cover the whole loss. The coast loss is smaller than the Behring Sea loss, because, as a rule, those on the coast are fatter and more buoyant, and a pregnant female will not sink as easily as another seal."

Peter Hammel says that he uses a gun almost always, but occasionally a rifle, and loses by sinking very few seals, not more than 1 in 25.

James Carthrat says: "I never was out in a boat with a seal-hunter, but have seen hunters killing near the vessel, and know that hunters do not lose many by sinking, and a really good hunter loses very few, not 5 in 100. I have seen my head hunter, William Thomas, on one occasion in 1885, bring in seventeen pelts with seventeen shots."

Peter Carlson says: "A good hunter ought not to lose from sinking 5 out of 100. I know that sealers often say that seals have sunk, when in fact they have missed them."

Clahapisim.—"Never lose a seal with the spear if it fastens, but lose many with the gun. A good hunter will lose only a few. I am not a good shot with a gun."

Walter Watt.—"With a spear I lose none that I fasten to. . . . . I am only a middling shot with a gun, and would lose 1 or 2 in 10 [shot at]."

Chileta.—Was a short time on a schooner in 1892, and got thirty-nine seals, fifteen with a gun, the rest with a spear; none were lost. "I never fire when they are far off, and after shooting them use my spear as a gaff."

Charles Hayuks says: "When we shoot seals we never lose them. . . . . The reason we get the seals for sure is that a canoe is easier handled, and we are quicker than the white men.

Oquaghu.—Never loses a seal he hits when using the spear. He says he is a good shot with a gun, and seldom shoots unless he knows he is sure of the seal. He does not believe he would lose more than 2 seals in 10 he would fire at.

Kach-kach-ah says that he is not a good shot, and would rather use a spear than a gun. He lost a good many seals when he first began using a gun, but does not now lose many. Never loses any he hits with a spear.

Charlie and *Harry* say that their experience has been the same as Kach-Kach-ah's.

Shewish.—Uses both gun and spear. Of 46 shot this year 4 were lost, "the canoe was so full of skins that we could not paddle up quickly enough, and they sank."

Clat-ka-koi never loses a seal he hits with a spear. He told United States Agents that a good hunter would lose only 2 out of 10 or 12 [shot at]; a medium hunter might lose two or three.

Kickiana heard what was said by Clat-ka-koi, and says that it is true.

Click-la-hou-to says he is a pretty good shot with a gun, and would not lose more than 2 out of 10, and not that many if he hit them.

Keshuqua and *Clatchu*, having heard what Click-la hou-to said, testify that they believe as he does.

Cedar-kanim never loses a seal when his spear has become fastened.

Atelu uses both the gun and the spear, and if two seals are together spears one and shoots the other. He is just as certain with the gun as with the spear, and would not lose more than 1 in 10 fired at.

Ah-nah-yook, having heard what Atelu said, states that he thinks as Atelu does.

Qui-an-ah never shoots nor throws a spear when the seal is more than 5 or 6 fathoms off. He would not lose 1 in 10 [shot or thrown at] with either spear or gun.

Enocto says that he is not a very good shot, and prefers the spear to the gun. He hardly ever loses a seal when using the spear, and when using the gun is careful with it, and generally gets the seal. He does not remember to have lost a seal he hit.

Quat-loose or "*Sam*," *Fred*, *Suithatchest*, *Peter*, *Shooksa* or "*Joe*," *Keelthlah*, *John Wriglha*, *Yacoostlish* or "*George*," *Mucklemick*, *Kawanmess*, and *Sheeuah* say: "We are all seal-hunters, and use both the spear and the gun, and would just as soon use the one as the other, and are just as sure of getting the seal with one as the other, and scarcely lose any, and no good hunter need lose many. All our tribe use the gun, both young and old, and like it."

High-eit-lick-sheel states that he uses both gun and spear, and that he and all his tribe like them equally well. "A good hunter with a gun need not lose more seals than with a spear." He shoots and throws a spear when the seal is 3 or 4 fathoms from him.

Charlie Quisto uses a spear only, and seldom misses with it.

See-ah-sum and *Weeh-tiu* have had the same experience as Quisto.

Joseph says: "We do not lose any seals that we shoot. If very close, we use the spear; if not, the gun. We get more this way, for if two are sleeping we shoot one and spear the other."

Johnny Hammond and *Jack*, having heard what Joseph said, state that what he says has been their own experience.

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11 IV.—*Statements respecting the Number of Seals which may escape Capture after being wounded by Hunters at Sea.*

John Townsend, three years' experience as hunter, says: "There are very few seals shot at and badly enough wounded to die that are not secured."

Captain Abel Douglas, eight years' experience—three as hunter, five as master and hunter—states that a seal that is badly wounded is almost certain to be got.

George Roberts, with four years' experience, says: "Wounded seals, as far as my experience goes, are either captured, or live if they escape."

Matthew Ryan, ten years' experience, states: "We lose very few by wounding them and having them die—none worth speaking of."

William T. Bragg, eight years' experience, says: "The chances of getting a seal that is badly wounded are good."

Captain Otto Buchholz, three years' experience as master mariner, hunted a little in 1892, and took forty-eight seals; he wounded four that escaped, but does not think that any of them would afterwards die.

Captain William O'Leary, seven years' experience as master mariner and hunter, says: "I do not believe that many seals are badly wounded and die afterwards, and are so lost, for when a seal is wounded and lives a little while afterwards it will always float when it does die."

William Cowie, one year's experience as hunter, took, in 1892, 106 seals, and wounded 10 or 15 that got away; "of these very few would die."

Joseph Brown, one year's experience as hunter, wounded in 1892 twenty or twenty-five seals that got away, and thinks that not half-a-dozen would die.

William De Witt, four years' experience as hunter, says: "Very few seals are wounded. Those badly wounded I always get, while those so lightly wounded that they escape do not aftewards die."

Captain Langhlin McLean, seven years master of a sealing-schooner, states that "there are very few seals indeed that are wounded badly enough to die afterwards. A seal is sometimes stunned and will sink, and when gaffed and brought on board they come to and are all right, and I do not doubt that some that are reported lost come to and live."

John H. Haake, five years' experience—two years a boat-puller, three years a hunter—says he considers himself a fair average seal-hunter, and is sure that he does not strike many seals that are wounded and afterwards die; "in fact, there are very few such instances."

James Shields, six years' experience as hunter, says: "In calm weather we are almost certain to get a wounded seal, but when the weather is rough and the seal goes to windward, one is sometimes lost, when the boat cannot be pulled against the wind and sea, but very few are lost in this way. . . . . When a seal sinks there is a streak of blood in the water that shows it. This year [1892] I got 308 seals, and there were not more than two or three that were wounded that would die afterwards of wounds. I have noticed that a wounded seal is like a deer and some other animals, it gets better after being shot, and often when you think one is to be surely got it revives and goes away. If a seal is badly wounded I consider it as good as got, for it either gets worse or better; if the former, we are sure of it; if the latter, he will get away and get well."

Oscar Scarf, six years a hunter, says: "I generally get the seals I wound, and if a seal is wounded lightly he gets away; if badly wounded I always get it. Very few, if any, wounded seals that escape afterwards die."

Frederick W. Strong, four years' experience, says: "I do not think many seals I wounded escaped and afterwards died. I remember only one or two instances of wounding a seal and it escaping, and these were slightly wounded." [Has taken 930 seals.]

Andrew Mathison, seven years' experience as a hunter, says: "Very few wounded seals die. If badly wounded I always get them; if lightly wounded they escape and easily get well."

William Shields, who has gained his livelihood for the past seven years as a seal-hunter, says: "If a seal is wounded I chase him, of course, for as long a time as possible, and I am sure that the number of seals that are badly enough wounded to die is very small indeed. I know that if they are not badly enough wounded to be got they will very likely live."

12 *Charles A. Williams*, five years a hunter, thinks that very few wounded seals are lost. "You can always tell by the blood in the water whether you have really wounded a seal."

Colin Locke, a hunter in 1892, says: "Very few seals are badly wounded that afterwards die and are lost. . . . . If a seal is badly struck it will certainly be secured."

Emil Ramlose, seven years' experience—five as hunter—says that "very few escape badly wounded, as when wounded we chase them hard, and, if they are at all badly hurt, are sure of getting them."

Isaac O'Quinn, two years a hunter, got 160 seals in 1891, and did not lose any by sinking; in 1892 he took 210 seals and wounded 2 that escaped him.

Captain Robert McKiel, who has been master of sealing vessels since 1887, says "there are some seals badly wounded that die afterwards, but the number is very small; if they are that badly wounded the hunters are sure to get them."

Edward Pratt Miner, many years a hunter and sailing-master, says: "A good hunter wounds very few seals he does not get. I told Captain Lavender [a United States Agent] that not more than 1 seal in 100 that were crippled by a good hunter and not got would die afterwards."

Joseph Hall, two years' experience, got, in 1891, 96 seals, and in 1892, 147 seals, and says: "I wounded some seals—got most of them, and those that escaped were not wounded badly."

August Reppen, engaged in the sealing business for the past nine years, says: "When a seal is wounded the chances are ten to one that it is secured by the hunters. If a seal is wounded it is chased until it is secured. I have chased a seal for half-an-hour, after I had wounded it, before I secured it."

Neil Morrison, one year a boat-steerer, and four a hunter, says: "When I wound a seal badly I always, in fair weather, get it; if slightly wounded it will escape, and no doubt get well."

Captain Victor Jacobsen, eleven years' master of sealing-vessels, and hunting every year, says: "Very few seals are so badly wounded that we don't get them, and they then die afterwards, for if we don't get them they are not likely to be badly enough wounded to die. A hunter feels worse about losing a seal he has killed than if he misses fifty."

John Christian, two years' experience, thinks a few seals might be badly wounded and escape, and that a few of them might die.

Matthew McGrath took 124 skins in 1892, and states that he did not wound more than five or six seals badly enough to cause their deaths afterwards, and is not sure that any so wounded would die.

Walter Heay, in taking this year 168 seals, did not wound more than five, "some of which may have died."

Edward Cantillion, four years' experience as hunter, says: "When a seal is wounded I always chase it until there is no hope of getting it, and I do not think there are many wounded that get away and die afterwards."

Charles O. Burns says that in 1892 he got nearly all the seals he wounded—about ten. "Those that got away were slightly wounded, and got off to windward."

James McRae says that in 1892 he wounded twelve or fifteen seals that escaped, some of which might have died of their wounds.

Luke McGrath says that he wounded not more than ten seals that escaped when taking 191. They were not badly wounded, and he believes all lived.

Joseph Brown, five years a boat-steerer, says: "The hunters I was with lost very few wounded seals."

Charles Francis says that in 1890 he wounded a few seals, but got most of them afterwards by chasing them.

John Figuera thinks he wounded six or seven in 1891, but they got away altogether.

William F. Roland says that he wounds a few seals that escape, but always gets those that are badly wounded, and that there was little danger of those that escaped dying of their wounds.

A. W. Roland says that very few seals that are badly wounded escape; they are followed up, and a second shot kills them. Those that escape are wounded very little, and soon get well.

13 *John Matthews* states that in 1892 he wounded a few seals, but got most of them.

Niels Bonde was one year boat-steerer, for a good hunter part of the time, and part of the time for a poor hunter. "The poor hunter missed about half of those he fired at; he wounded a few."

Andrew McGarva, five years' experience, says: "Not more than 1 in 50 seals are wounded so that they will die afterwards. It is easy to tell when a seal is wounded by the blood, and it and the bubbles show where it went down."

Robert S. Findley says: "There are very few seals that are wounded badly and not got, for when I see that a seal is wounded I follow it, if possible, until it tires out."

Thomas Garner states that very few seals that escape are badly enough wounded to die.

John Kraft says that when seals are badly wounded, severely enough to die afterwards, they generally get them—nearly always.

Frank G. Warrington states that there are very few seals that are badly wounded and escape, for when a seal is wounded it is followed, and soon caught if it is badly wounded.

G. C. Gerow, five years' experience. There are not many wounded seals get away and die, "for if a seal is not badly wounded it will get away and live. If badly wounded it will be certainly got."

Robert Hope believes that if a seal is not badly enough wounded to be caught there is no danger of it dying afterwards. "If a seal is badly wounded we are surer of getting it than if it is killed at once."

Abner Sinclair thinks that in taking 86 seals he wounded 8 or 9 that got away—"not more than that. I don't think any of them were badly enough wounded to die."

William Edwards says: "If a seal is wounded, but not badly enough for us to get it, I don't think it will die."

George F. French, three years' experience, says: "I do not think many are wounded and afterwards die. If a seal is badly wounded we are almost certain to get it. It is easy to tell when a seal has been wounded by the blood in the water; a few drops will colour it for a long distance around."

Wallace M. Christian, one year's experience, says of 1892: "I don't think I wounded more than three or four that I did not get; one or two of these might have been badly enough wounded to die."

Peter Jolibis, three years' experience as hunter, says: "Very few wounded seals escape and die, for if at all badly wounded we are sure to get them. When a seal is shot we always chase it, and if it is bleeding it soon tires out, and is easily got."

Thomas O'Leary, ten years' experience, took 240 seals in 1891, and wounded not more than 15 that got away. He killed 139 before 18th June in 1892; not more than 7 were wounded and got away.

Luke McGraw says of 1892: "Seals were very wild this year, and I shot at them at long range. I think I wounded ten, but I don't think that any of these would die."

Captain Henry F. Sieward, five years' experience as master of sealing-vessels, says: "The percentage of seals that are wounded and escape is very small."

Peter Carlson, four years' experience, says: "An old hunter will usually get the seal he shoots at," particularly if he only wounds him.

Daniel A. Lewis, four years' experience, says: "If a man has a light boat he ought never to lose a seal, for if a seal is crippled and can keep away from me he will live. . . . . A mortally wounded seal does not often get away."

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14 V.—*Statements respecting the Composition of the Catch made by various Pelagic Sealers in relation to the proportionate Number of Males and Females, &c.*

John Townsend, three years a seal-hunter, secured on the coast and in Behring Sea about as many female seals as male seals.

Charles Le Blanc, five years' experience, states that "this year [1892] I got more females than males on the coast, and on the Asiatic side about equal numbers of each. More than half the females I got on the coast were with young. On the Asiatic side from one-quarter to one-half the females I got were in milk. I got a good many barren cows both on the coast and on the Asiatic side."

Captain Abel Douglas, eight years' experience, states that when he first began sealing more females were taken than males, but that now more males are got. "The last two years we have taken a great many young males from 2 to 4 years old." Captain Douglas has sealed four seasons in Behring Sea, and last year (1891) found the seals about equally divided there, but before that he thinks there were more females than males. He has seen a great many barren females.

George Roberts, four years a seal-hunter, took more males than females on the coast in 1892. Three seals out of five were males, "about one-half the females I got were in pup, the other half barren

cows and young females. I have always found it harder to get female seals than males, especially cows carrying pups. They are very watchful, and seem to be always on the alert."

Matthew Ryan, ten years' experience, took about as many females as males in 1892; on the Asiatic side more males than females. Of 500 seals taken there, not over 100 were females. "In Behring Sea—American side—last year [1891] we got, I think, more males than females—certainly not more females than males."

Captain R. O. Lavender, five years' experience, got on the coast in 1892 over one-third of his catch in females, less than half of which were barren cows; he found it the same other years. He further says: "I have been three seasons in Behring Sea. When on the sealing grounds nearest the islands I got mostly females, but further out they were mostly males."

Thorwal Mathason, boat-steerer in 1891, thinks that three out of five of the seals taken are females.

J. S. Fanning killed, while 50 miles off Mount St. Elias in 1892, 158 seals, of which not more than 8 were females, and the other hunters on same schooner had the same experience.

Abraham Billard, two years' experience, states that about one-half his coast catch were females, and that about one-fourth of these were in pup.

George Dishow, six years' experience as hunter, states that, in 1892, he took more males than ever before; more than half his catch were males. "All the hunters on the 'Umbrina' got more males than females. In previous years I got a little over half of my catch in females, but very little over, and the other hunters on the vessels I was on about the same proportion." He has sealed three years in Behring Sea, and thinks his catch there was about half females. "Cows in young are very uneasy, and hard to get."

Otto Buchholz, three years' experience, states that, on the American coast, he got more females than males. "Cows with young in them are very hard to get at. They are generally on the watch, and make away as soon as the boat comes near."

Ralph Starrat, a hunter with three years' experience, thinks there are more females than males among the seals.

Captain William O'Leary, seven years' experience, states that both his coast and Behring Sea catches have always been composed of about equal numbers of males and females.

Frank Campbell, in 1892, got more females than males; among them were twenty to twenty-five barren females [total catch, sixty-five].

Joseph Brown, in 1892, got more females than males.

Captain Alfred R. Bissett, three years' experience, states that, in 1891, 80 per cent. were young males. In 1892 his catch was about half females on the coast. His hunters got 568 seals on the coast; "they saved about all the skins of the pups that were taken from the cows killed, and had about 30 of them. Of the 568 seals I am sure there were not more than 70 or 80 cows in pup.

15 *Herman R. Smith*, twelve years' experience, says that "on the Vancouver coast, in the early part of the season, about one-half of the seals got are females, about one-half of which are with pup. As the season grows, fewer females are got, and of those got a smaller proportion are in pup."

William De Witt, a hunter for the last four years, states that a little more than one-half of those taken on the coast were females. On the coast over half the females were in pup.

William G. Goudie, five years' experience as seal-hunter, says: "This year the majority of the seals we got on the coast were bulls. Out of 2,040 seals caught on the coast, about 1,500 were bulls from 2 to 4 years old." About half the females I got on the coast were in pup, the other half barren cows and young females. On the Russian side a little more than half were females—none in pup—a very few in milk. Has hunted four years in Behring Sea, and thinks that, taking all the years together, about one-half the seals taken were females. He further says: "Cows with young are hardest to get at, especially in May and June. They are then wilder, and more on the watch."

Captain Laughlin McLean, seven years' experience, says: "Outside Behring Sea my experience has been that there are more males than females taken—very many more. In Behring Sea we find more females than on the coast, but not nearly so many females as males."

John H. Haake says that the total catch of the schooner "Walter A. Earle," on which he was a hunter in 1892, was 1,325 seals, of which the greater portion were males.

James Shields, for six years a seal-hunter, says: "I never kept count of the proportion of males and females taken, but of the larger seals there are more females than males, I think; of the smaller seals there are more males than females; this is on the coast. A good deal depends on where you are in Behring Sea in connection with the sex of the seal; my own experience is I have taken more males than females. Cows with young are wilder than others."

George F. French, three years' experience, says: "Of the seals I got on the coast the males and females were about equal in number; the further north I got, the larger proportion of males I got. Of the females, about 25 per cent. would be with young—the remainder barren cows and young females."

Oscar Scarf says: "I have hunted five years in Behring Sea, and got the sexes in about equal numbers, and it has been the same on the coast. Every year I got barren cows. Pregnant seals are much more watchful and alert than other seals."

Frederick W. Strong has sealed four years, and thinks that about two-thirds of his coast catch were females, about half of which were with pup.

Andrew Mathison, seven years' experience, states that more than half the seals he got on the coast each year were females. Most of these were young females and barren cows. About one-quarter of the females would be with pup. "Cow seals with pup are very uneasy, easily disturbed, and hard to get, and this is more so as the season gets later. The females are then travelling nearly all the time."

William Shiels has earned his livelihood for the past seven years as a seal-hunter. He has hunted in Behring Sea five years. He thinks that both on the coast and in Behring Sea he has killed a few more females than males, but in 1892 about two-thirds of his catch were males, and this was the experience of all the hunters on the "E. B. Marvin."

C. A. Williams, five years' experience as hunter, found the sexes in 1892 about equally divided, but in 1891 and 1889 his catch was nearly all bulls. On the Asiatic side he found the seals about equally divided as regards sex. Cows in pup are wilder than the others.

Colin Locke, hunter, says: "Our coast catch was about equally divided as to sex, and the catch on the other [Asiatic] side was also about equally divided. I killed more bulls than cows on the coast, and I got a few more cows on the other side than I did bulls."

Emil Ramlose, seven years' experience, says that before 1892 he killed more females than males, but in 1892 he took more males, in proportion, than ever before.

Captain Ernest Lorenz, three years' experience, was in Behring Sea in 1890 and 1891. In one day in 1890 (11th August) his hunters got 130 seals, of which about 100 were males—small bulls. This was in north latitude 55° 6′, and west longitude 169° 1′. In 1891 he thinks he took more females than males, but did not keep count.

Captain Theodor Magnesen, four years' experience as master and navigator, thinks that in Behring Sea more females than males are got, but that on the Russian side the sexes were about equal in number. On the coast took more males than females. "The last three years I had over 1,000 skins for my coast catch each year, and two-thirds of them were males. . . . Females are getting wilder and harder to get—besides, they keep travelling."

16 *Captain Wentworth E. Baker*, five years master of sealing-vessels, says: "Along the coast, in my catch this year and last year, I got about 25 per cent. of cows. I used to get more than this, but the cows are wilder now."

Isaac O'Quinn, two years' experience, says that of 76 seals taken on the coast in 1891 not more than 25 were females, and of 210 seals taken in 1892 not more than 40 were females. On Copper Island side, in 1891 and 1892, his catch and that of the other hunters with him was mostly bulls; not more than 6 in 100 were females. . . . . "Pregnant cows are generally harder to get than other seals. They are more restless, and don't sleep as well as the bulls."

Captain Robert E. McKiel says he gets more females than males every year, but that in 1892 there were more bulls in proportion to the females than in other years. "We get more bulls with the cows the further north we go. Last year and this year I found more males in proportion to the females on the Russian side than I had found on the American side of the Pacific."

Captain Edward P. Miner thinks that about 40 per cent. of the seals taken on the coast, and about 60 per cent. of those taken in Behring Sea, are females.

Captain Charles Campbell, master of the sealing-schooner "Umbrina" in 1891–92, states that the principal part of his catch was young males; there were more of them than of females.

Captain George Macdonald, six years' experience, five as sailing master, says that as a rule more females than males are caught on the coast, but that in Behring Sea about equal numbers of each sex are taken.

William Fewings, six years' experience, thinks that about the same numbers of males and females are taken.

David Laing, of many years' experience, thinks that on the coast more females than males are taken, but that in Behring Sea, both sides, there are more males than females taken.

Thomas H. Brown, seal-hunting five years, has always taken along the coast more males than females, and has found the sexes about equal in Behring Sea. "Females are much harder to get than males."

John Morris, five years' experience as mate and master, says: "There is no getting out of the fact that there are more males taken than females."

Neil Morrison, five years' experience, says: "In 1886 my catch was about two-thirds bulls; no cows in pup, some in milk, and some barren cows. In 1891 about half his catch on the coast (119) were females, and of these not over 30 were in pup. In 1892, of 202 seals taken, about 65, or one-third, were females. They were about half in pup and half barren and young females. On the Asiatic side in 1891 and 1892 about half his catch were females.

Henry S. Browne, five years' experience in North Pacific, states: "We secured many more males than females this year [1892], and there have been more males than females this year, but there were more in proportion this year than any other."

Captain Victor Jacobsen's experience has been that about three out of five seals taken on the coast and in Behring Sea are females.

Captain James W. Todd, master of sealing-schooners every year but one since 1886, remembers no year in which he took more females than males on the coast. "Most of the females would be in pup, a number barren, the balance being young females." In Behring Sea he got rather more than half females."

John Christian, two years' experience as hunter, got on the American coast about equal numbers of males and females, and rather more females than males on the Asiatic side. "Cows with young are more on the watch than others, and much harder to get; in fact, all females are harder to get than males."

Matthew McGrath, one year's experience as hunter, thinks that more than half the seals he took, both on the American coast and on the Asiatic side, were females.

Walter Heay, six years' experience as boat-steerer and hunter, says: "My catch this year was over two-thirds young bulls, about 25 to 30 barren cows [total catch 168], the rest with young. The hunters I was with in former years got about that number of barren cows. They generally travel with young bulls. . . . Pregnant females are not so easy to get as other seals, they don't sleep good; seem always awake and watching."

Joseph Beckingham, two years a boat-steerer, states that from the seals he has seen he would say that there are about as many females taken as males, but not more.

17 *Captain Hiram B. Jones*, five years' experience, thinks that both on the coast and in Behring Sea the vessels he has been on took more females than males, but he never paid much attention to the matter. "I have noticed that pregnant seals are very wild, and much more on the alert than male seals, and the later in the season it is the wilder they are."

Captain Edward Cantillion, four years' experience, says: "Until this year my coast catch contained more females than males, but this year there were a great many more males than females. In Behring Sea my catch always contained more females than males."

Charles Peters found more females than males in both 1891 and 1892.

Henry Paxton, thirteen years' experience, says: "Last year [1891] in Behring Sea my hunters got 330 seals. Most of these were young bulls. This year on the coast they got 139, and there were only about 20 females in the lot."

George Heater, master mariner, says: "In 1891 the 'Rosie Olsen' got about 300 seals on the coast. A large majority of these were young bulls. This year the 'Ainoko' got 750 seals on the coast, about one-third cows; most of the old cows were in pup, but some were barren. . . . In 1890 I was in Behring Sea a full season on the 'Sapphire;' the greater part of her catch in the Sea that year was males."

Alfred J. Bertram, six years' experience, says that both on the coast and in Behring Sea he has found the seals about equally divided as to sex.

Albert McGarva, five years' experience, says: "This year [1892] I took a great many more males than females; the year before they were in about equal numbers, and the year before that I took more females than males. The males are more easily got than females."

Robert Findlay, four years' experience, states that "in former years we got on the coast more females than males, I think, but this year there were most males. One day this year we got over 100 seals, nearly all of them being males."

John Kraft, eight years' experience, thinks about half the seals taken by him are females. Cows with young in them are more on the look-out than others.

Frank G. Warrington, six years' experience, says that his experience has been that more females than males are killed both on the coast and n Behring Sea.

G. E. Miner, six years' experience, says that, as a rule, he kills more females than males, but that in 1892 but 10 per cent. of his catch were females.

J. D. Warren says that a little over half his coast catch were females. Of the females, not over half were in pup, and in some years less than half. The remainder of the females were young seals and barren cows. In Behring Sea the proportion of females was about the same.

Charles Otis Burns was a boat-steerer in 1891, and says the boat he was in took about half females, certainly not more; about two-thirds of the cows were in pup on the coast, and there were a number of barren cows and young ones. In 1892 he was a hunter, and nearly the whole of his upper coast catch were bulls; about one-half the females were with pup. A good many barren cows were also got.

Micajah Pickney says that in 1891 less than half the catch of the vessel he was on were females, and that in 1892 there were very few females among 152 seals taken on the coast—not one-fourth. In 1892 he sealed in Behring Sea, and took 420 seals between 80 and 150 miles from Pribyloff Islands. All the seals, except about sixty, were skinned on board. "About one-fourth were females; none of these were with young or in milk. They had had their pups, and the milk had dried up. . . . I saw them come on board, counted them, and have a clear memory of the fact that there were no females in pup and none in milk. Nearly the whole catch were bulls, principally 'middlings' and small bulls."

W. O. Hughes states that in 1891 half his coast catch were females, of which one-half were in pup. In Behring Sea about half his catch were females, of which about one-third showed milk. Not more than 10 per cent. of his coast catch in 1892 were females, and less than half of them were in pup.

James McRae says that about half the seals he got on the coast in 1892 were females, of which four or five were cows in pup.

Joseph Brown says that not more than one-half the seals he got on the coast in 1892 were females. During the three seasons he sealed in Behring Sea his catch was composed of about half males and half females. "Early in the season, about the 1st to 15th July, we got a few cows in pup, and after that some in milk, but as the season grew later very few of these were got." Barren cows were got every year.

18 *James Siteman* says that in 1888 and 1889 on the coast about half the seals his vessel took were females, mostly in pup; in 1890 the catch of the vessel he was on was nearly all males, the females being mostly young and barren cows. In 1892 the catch of his vessel was about three-fifths males, and nearly all the rest were barren cows. . . . In Behring Sea each season about half the catch were females; probably two-thirds of these breeding cows showing milk, sometimes only a trace nearly dried up, others with a good supply.

William Hermann says that, as a rule, there are more females than males in his catches.

Captain George Scott states that the catches of the vessels he has been on had, between San Francisco and Behring Sea, been about half males and half females; about two-thirds the cows pregnant. In Behring Sea his catches have been about half males and half females. In Behring Sea the cows taken are for the most part in milk, but he has killed many in which the milk was just about dried.

George Wester states that about 60 per cent. of his catches along the coast would be females, and in Behring Sea about half. From 20 to 25 per cent. of the females taken were barren.

Captain Charles Lutjens states that about four-fifths of his catches, both on the coast and in Behring Sea, have been females.

Charles Hartiwen thinks that about 60 per cent. of his catch, both on the coast and in Behring Sea, are females. About two-thirds the cows on the coast are carrying young, and about the same proportion in Behring Sea are in milk, he thinks. Has killed cows in Behring Sea early in July, and found the milk dry and yellow.

Milton Scott for the last two years has taken more males than females along the coast, and in Behring Sea about half and half as regards sexes; of 300 cows taken along the coast in 1892, not more than 100 were pregnant.

Captain J. E. Worth says: "Along the coast, in 1890, 70 per cent. were females, and the next year about the same. This year, however, they were divided about half and half. In Behring Sea the majority taken were bulls. . . . . When going north to the islands there seems to be more males among the seals the further north we go."

Charles Francis says that his catches, both on the coast and in Behring Sea, contain about half females.

Captain Michael Keefe says that of 190 seals taken on the coast in 1892 nearly all were young bulls; "very few cows, and none with pup." In 1889 and 1890 by far the larger percentage of the catch were males. He never has got more females than males. On the coast about 20 in 100 females are in pup. He was in Behring Sea in 1890, and two-fifths of his catch were females; none in pup; none with a supply of milk, but a good many showing milk dried up. In 1891 nearly half his catch in Behring Sea were cows, most of them showing dried milk in their breasts.

John Coburn says that this year [1892] his catch was nearly all bulls. "None of the females I got were with pup." In previous years less than half his catch were females. In Behring Sea the bigger half of

his catch were females. Early in the season "some of the females would be in milk, but later on the milk would be dried up."

John Figuera states that on the coast his catch was pretty well divided as to males and females. He was in Behring Sea in 1887 and 1891, but never got any cows there.

Captain C. E. Mockler thinks that as a rule more cows than bulls are got. About two-thirds of the cows taken on the coast were pregnant.

Lee J. Thiers states that in the first of the season he has taken along the coast more females than males, but that later on along the Southern Alaskan coast he gets more bulls than cows.

George Wells says that in 1890 more than half his coast catch were bulls; about half the females were with pup. In Behring Sea in 1890 and 1891 about two-thirds the seals he got were females, a few in milk. In 1891 his coast catch were about half females, of which about half were with pup. In 1892 four-fifths of his coast catch were bulls, and of the females not more than half were in pup.

William O'Lear Shafter has found that both on the coast and in Behring Sea more females than males are taken.

Captain Adolphe F. Carlson says that along the coast more females are got than males, and that they are mostly carrying young.

Frederick Crocker thinks that along this coast more females than males are got. In Behring Sea about half and half.

19 *William Conners* thinks that more than half the seals taken along the coast are females.

P. E. Peterson says that along the coast his experience is that about half the seals taken are females and half males.

H. J. Lund says that about 65 per cent. of his catch on the coast are females.

James Ford, two years' experience, states that on the coast he has taken more males than females; fully half the cows taken were neither carrying pups nor in milk.

James W. Crew thinks he gets more females than males, and would place the number of females at 60 to 70 per cent. Most of the cows he has taken on the coast were carrying pup, but he has taken a great many barren cows. In Behring Sea he thinks the greater part of the cows got are in milk.

William F. Roland says that about one-third of his catch on the coast are females, but that in 1892 he got less females than in either of the two previous years. His catch in 1892 was mostly young bulls. In Behring Sea in 1890 and 1891 his catch was about half females, of which "more than half were in milk in varying quantities, from a good supply to a few drops in cows about dried up."

Arthur W. Roland says that both on the coast and in Behring Sea in 1891 about half his catch was females, and about half the females were in pup. After the 1st August in Behring Sea the cows were all dried up. In 1892 his catch on the coast was about one-third females.

John Matthews is of the opinion that on the coast about half his catch were females. Not more than one in five seals taken were females with pup. In Behring Sea at least five out of six seals taken were males, a few cows in milk, some of them nearly all dried up.

Andrew McKeil says that in 1891 about three out of five of the seals taken on the coast were females, and that after the 1st August milch cows began to disappear in Behring Sea.

G. C. Gerow, five years' experience as hunter, says that about two-thirds of his catch on the coast and in Behring Sea were females. "In a good season's catch there would be about 100 to 150 barren females."

Captain James Gaudin sealed in Behring Sea in 1887 between the 20th July and 25th August. He says that the seals taken by him were chiefly females, "but nearly all were dry as if they had had their pups, but were through suckling them."

Charles Blomquist was boat-steerer in 1891 in one of the boats of the "Sea Lion," and skinned nearly all the seals taken by the hunter he was with, and saw the others. There were about 14 or 15 females among the 149 seals taken.

Robert Hope was a boat-steerer on the "Mascotte" in 1891, and thinks that more females than males were caught, but no record was kept.

Captain William Petit says: "I have not got more than 130 females out of about 660 seals I have taken this year. Among the females taken this year were a good many barren females. The last day's catch was four barren females and four males." [Declaration made 16th June]. "Among the grey pups we take I have never found a female. I have been examining them for five or six years, and have never found a female."

Captain C. F. Dillon says: "This year I have taken more females than males; about three-fifths of my catch were females. . . . . There were a great many barren cows among the seals I took this year."

Abner Sinclair declares that he has been sealing one year, and that about half the seals he got were males, "a few more than half perhaps." He noticed two barren cows among the eighty-six seals he got.

William Edwards, two years' experience, took in 1892 about as many males as females; among the 138 seals he got there were few barren females.

Maurice Edwards, two years' experience, says that about half his catch in 1892 were females and half males.

George F. French, three years' experience, says: "Out of the 143 seals taken by me this year between 30 and 40 were barren; not more than 60 of the seals taken by me were females; more than half were barren cows. I have been examining all the seals taken by me this year. I think the percentage of cows to bulls and barren cows to those in pup was about the same during the past two years as it was this year."

Peter Jolibis, three years' experience, says: "Of my catch this year [1892] there are many more males than females. . . . . I have not killed more than thirty females. I don't notice any difference in the proportion of males to females along the coast, but we get more females in Behring Sea than outside, I think."

Captain Thomas O'Leary, master mariner and hunter, thinks there were more females than males in his catch both in 1891 and 1892.

Luke McGraw, two years' experience, says that in 1891 more than half his catch were females; in that year he noticed a good many barren cows among those taken.

Frank Moreau, six years' experience, thinks there may be 80 per cent. of the seals taken on the coast females, and of the females perhaps 75 per cent. carry pups, and in Behring Sea about the same percentage of cows are in milk.

P. Carlson found on the cost going north mostly young bulls, but as he got towards Cape Cook he found more cows. "Our catch was half cows—half on the coast as regards male and female."

Peter Hammel thinks he gets more females than males, "perhaps 20 per cent. more. I haven't found a big lot of difference in the numbers."

James Carthrat, sealed from 1883 to 1887, says: "In my recollection I got more females than males along the coast; about 60 per cent., I think, would be about the average run of females, and it would run about the same in Behring Sea."

Hit-hitte, commonly called "Peter," states that off San Juan they have always got more females than males, and that they are always in pup.

Kas-ado, commonly called "Tom," states that off San Juan they have always got more females than males, and that they are mostly in pup. In a take of ten about six would be females, and of that six three would be cows with pup, and the other three young females, and of the males two would be 1 year old and the other two 2 years old. Old bulls are never got off the coast, but cows that are not with pup sometimes are. A great number of grey pups are got some seasons; they are nearly all males, and the brown pups are about half males and half females. This year we only got a few grey pups. . . . .

In Behring Sea we always get more young bulls than cows. About half the cows we get would be in milk, the other half being females and cows without pups in them. [Five years' sealing in Behring Sea.]

Schoultwick, commonly called "Jinks," states that around the village of Ohiat, Vancouver Island, he gets more females than males, but further north more males than females. Does not keep a record of males and females taken, but thinks more females are got there than males, and lots of them are old ones without pups; sometimes would take ten seals, and find no females with pup, and sometimes would take ten, of which four would be in pup; last year [1891] got a great many grey pups, and all grey pups are males.

Clawaunack, *So-y-uk*, *Thompson*, *Jack*, *Too-tootch*, and *Jimmy* agrees with all said by Schoultwick.

Clahapisum, commonly called "Eared Coon," of the village of Ohiat, says: "Along this coast and in this sound [Barclay] more females than males are taken; in a catch of ten I think about six would be females and about four would be carrying young; the males are mostly young bulls. Farther north we get more bulls than here. We natives keep no record of these things."

Hanaisum and *Clahouto* heard what was said by Clahapisum, and says that it is a true statement.

Walter Watt, of the village of Alberni, states that around the coast [of Vancouver Island] about half the catch, perhaps a little more, are females. "In a take of ten, six would likely be females; of these six, three would be cows with pups in them, and the rest barren cows and pups. There are very few old bulls got on the coast; the males are mostly young bulls of 1 and 2 years old. Get quite a few barren cows. . . . A good number of pups are got; these are always males; not so many were got this year as last."

Chileta, commonly called "Jack," says: "Along the coast and in the sound we get about as many females as males. Never see large bulls till we get up as far as Queen Charlotte Island. Has got plenty of cows carrying no pup and having no milk. Fully half the females caught on this coast have pups in them."

Oquaghu, or "Charlie," of the village of Numukamis, says: "Five and six years ago we used to get more male seals than females, now we get as many females as we do males. Do not get many grey pups now. Fully

half the cows we get have pups in them, the rest are young females or old cows without pups. Do not get many old bulls on the coast, but we get more of them the farther north we go. We do not get many old cows without pups in them."

21 *Kach-kach-ah*, or "Peter," of the village of Sechart, states that five or six years ago he took more males than females, but that now about the same number of each is taken.

Shewish, of the village of Sechart, says: "Generally, hunting along the coast, we get of males and females about the same, but this year I got more males than females." Most of the males were about 3 years old. "About half the cows would have pups in them, and the others would be young cows."

Clat-ka-koi, or "Billy," of the village of Sechart, states that in a day he would sometimes get six males, and sometimes six females. "Small seals are mostly young bulls, and sometimes in a day we would get nothing else. I have seen as many as twenty-five taken in a day. Some years we get a good many grey pups, and other years they are scarce; this year there were very few."

Kickiana, who heard all that was said by Clat-ka-koi, thinks as he does about the seals.

Click-la-hou-to, or "Joe," of the village of Alberni, says: "Hunting from the shore I would get about four males out of seven killed, and of the three females two would have pups in them. . . . Along the coast have sometimes got large cows not having pups and not in milk." . . . In Behring Sea he thinks he has killed more males than females, and of the females killed there were many that were not in pup, and were without milk.

Keshuqua and *Clatcher*, who were present when Click-la-hou-to gave his evidence, agree with him in all he said.

Clat-misk, residing at the village of Opechessit, says: "Along the coast and in the Sound I have always got more males than females. . . . The pups are mostly bulls. I got quite a few pups this year. I did not get any old cows this year that did not have pups in them, but have seen plenty. . . . The grey pups are always bulls. . . . I have been twice in Behring Sea, and I got more males than females, and they were all half-grown or large bulls, and all the cows I got had milk in them, but no pups."

Wahka, or "Billy," *Nahwyak*, or "Tom," *Claphightup*, *Tsawassup*, or "Joe," of the village of Alberni, say that what Clat-misk said about seals along the coast is what they think about them too, and *Too-tooch*, who has been in Behring Sea, agrees with what Clat-misk says of seals there.

Ehenchesut, commonly called "Dick," of the village of Alberni, states that along the coast about the same number of males and females are got; of the females a half would have pups in them, and the rest would be young cows; have got a few old ones without having pups in them.

Annetz-a-cheet, or "Jack," of the village of Okoolah, says: "On this coast and in the Sound sometimes we get more females than males, but this year I got more males than females."

Louis Annetz-a-cheet, "Louis," having heard the evidence of his brother read over to him in his own language, says that it is his experience as well.

Hat-la-cuntl, or "Charlie," of the village of Ucluelet, got about the same number of males as females altogether, but as he went north he

thinks he got more males than on the coast. He did not get any grey pups this year [1892]—"they were very scarce, and I only got four last year." He was in Behring Sea in 1887, and thinks he got more cows than bulls, but is not sure. Five or six years ago he got more males than he does now.

Cedar-kanim, or "Peter," of the village of Ucluelet, says that he gets as many males as females along the coast and in Barclay Sound. Only the very old cows have pups in them.

At-clappa, or "John," corroborates what was said by Cedar-Kanim.

Atelu, of Clayoquot Sound, thinks that he gets more cows than bulls in the season's catch. Off the coast he gets more cows, but as he goes further north more bulls. "Many of the cows along the coast are carrying pups, but I have often killed old white-whiskered cows that have no pups nor milk. I have not got many grey pups this year."

Ah-nah-yook heard what Atelu said, and it is what he thinks also.

Qui-an-ah, or "Punch," of the village of Ahousat, states that along the coast he gets more cows than bulls, but that as he goes north toward Behring Sea, and in Behring Sea, he gets more bulls than cows. "Along the coast I have got a good many cows with pup, and have also got old cows not carrying a pup. Grey pups are nearly always males."

Enocto, of the village of Ahousat, cannot say whether he gets more cows or bulls. "We get quite a few old cows not carrying pups and not having milk."

High-eit-lick-sheel, of the village of Ahousat, says that some years he gets more bulls, and some years more cows. In 1892 he got a good many pups. He has sometimes seen old cows that were not carrying pups and that were without milk.

22 *Charlie Quisto*, of the village of San Juan, says that, taking it altogether, he gets about half cows and half bulls—young and old. Almost all the large cows he gets have pups in them, but some have not.

See-ah-sum and *Weeh-tin*, having heard what Charlie Quisto said, say that they think and believe as he does.

Joseph, Chief of the Clayoquot Indians, says that more male than female seals are always got.

Jack, and *Johnnie Hammond*, who were present when Joseph was examined, think as he does.

Sant-e, an Indian hunter of about fifteen years' experience, from Barclay Sound, Vancouver Island, says, referring to the seals taken off Barclay Sound: "More males than females are taken, if grey pups are counted; more females if the young ones are not counted. All the females are not with young; some of them are barren." On this same vessel with Sant e were several other Indian hunters, whose catch of males and females was—

Sant-e, 66, nearly all males;
Charlie, more males than females;
Gus, 95 seals, not many females;
Douglas, 73 seals, only one female;
Joe, 41 seals, not many females;
Taylor, 88 seals, more males than females;
Tommie, 59 seals, more males than females;
All saw barren females among those taken, but no count was kept of them.

VI.—*Statements relating to the taking of Female Seals in Milk.*

J. D. Warren says: "Up to the latter part of July I got a few seals [in Behring Sea] showing signs of milk when skinning them. I do not think these females had ever been on the islands, but had lost their pups at sea. I never saw a female killed in the sea having much milk in them."

Micajah Pickney, master of the "Henrietta," seized in Behring Sea in 1892, states that of 420 seals taken by him about one-fourth were females who had had their pups, and the milk had dried up. This was between the 3rd August and the 4th September.

W. O. Hughes, when in Behring Sea in 1891, got after the 1st August hardly any cows that showed signs of milk. He believes they had pupped on the islands, and that the milk had dried up.

Joseph Brown states that after the 15th July a few cows in milk were got in Behring Sea, but as the season grew later very few of these were got. "In the sea we cannot tell whether a cow is barren or not."

James Siteman found in Behring Sea that about two-thirds of the females taken were breeding females showing milk—sometimes only a trace, nearly dried up—others with a good supply.

Captain George Scott has taken in Behring Sea many females in which the milk had "just about dried up."

Michael Keefe states that his vessel, the "Beatrice," got 900 skins in Behring Sea in 1890, between the 20th July and the 24th August. Two-fifths of these were females, "none with a supply of milk, but a good many showing milk dried up." In 1891 his vessel got 500 seals in Behring Sea, of which nearly half were cows. "Most of the cows showed dried milk in their breasts."

John Coburn says that in Behring Sea "in the early part of the season some of the females would be in milk, but later on the milk would be dried up."

George Wells was in Behring Sea in 1890 and 1891; about two-thirds his catch were females, of which a few were in milk, but the most were dried up. "After July all the cows are dry of milk. It is only in the first three or four weeks in July that cows in milk in any noticeable quantity are got."

23 *William F. Roland* states that of the females taken by him in Behring Sea, "more than half were in milk of varying quantities, from a good supply to a few drops in cows about dried up. It is only in the early part of the season in Behring Sea we get cows in milk, and before the end of the season they are about all dried up."

Arthur W. Roland says that in the first part of the season of 1891 he got a number of cows in milk, but that after the 1st August the cows were nearly all dried up.

John Matthews took in Behring Sea, in 1891, a very few cows in milk; some of them nearly dry.

Andrew McKeil says: "Up to the 1st August [in Behring Sea] the hunters get cows with milk in them, but after that date the milch cows began to disappear, and very soon none are got in milk. By the 20th August the milk in the cows had all dried up."

James Gaudin states that females taken between the 20th July and the 25th August in Behring Sea were nearly all dry, as if they were through suckling their pups.

E. Lorenz.—"Last year [1891] I got female seals in milk off Queen Charlotte Islands in July. That makes me think there is a rookery there. This year I saw old bulls ("wigs") off Coronation Island, and there may be a rookery there."

W. Shields.—"Three seasons ago I caught seals off Kodiak Island with milk in their breasts, but with no pups in their wombs. I thought at the time that there must be a rookery ashore somewhere, and spoke of it at the time. I took two one day that were this way; this was about last of June."

Joseph Brown.—"When hunting off Kadiak, five years ago, I saw females in milk in May. They had dropped their pups somewhere—on Kadiak, I suppose."

George Dishow.—"In Behring Sea I never got any cows with young. A few cows there would be in milk."

Otto Buchholz.—"In 1890 I sealed in Behring Sea in July. I got a few female seals in milk. We sealed 35 to 50 miles from the Pribyloff Islands."

G. C. Gerow.—"I have found all along Queen Charlotte Islands females in milk who had dropped their pups. The most I ever saw was when on the "Triumph" four years ago; in June we got seventy or more females in milk that had dropped their young."

VII.—*Statements particularly bearing on the Intermingling of Fur-seals in all Parts of the North Pacific.*

Charles Le Blanc.—The "Annie E. Paint" left the sealing-grounds off the Commander Islands about the 21st September [1892], and arrived at Victoria on the 15th October instant. "I saw seals every day of the voyage over. We sailed about 100 miles south of the nearest land on the Aleutian Islands."

Captain Abel Douglas.—"I have gone into Behring Sea through the 172nd Pass and seen seals there, both inside and outside the pass. I believe these seals go to the Russian islands, and had evidence of this last year, for we saw seals away to the westward of the 172nd Pass."

George Roberts.—"The 'Annie E. Paint' left the Commander Islands grounds this year [1892] about 21st September, and reached Victoria 15th October. I saw seals in the North Pacific all the way over every day. We were 100 miles from the Aleutian Islands at the nearest. We ran out of them about Queen Charlotte Islands."

J. S. Fanning.—"Both last year [1891] and this year, when going to the Russian side, and while south of the Aleutian Islands, we killed seals when about half way over. Coming home this year we saw seals in the North Pacific. I killed one of them myself."

24 *A. Billard.*—"Last year the 'Beatrice' crossed Behring Sea from east to west, starting from about 35 miles north of St. Paul Island. I saw seals all the way over to the Copper Island grounds, and got two seals on 27th July between the American and Russian sides of the sea."

W. T. Bragg.—"In the year 1887 I went over to Copper Island on the schooner 'Teresa,' and I saw seals in Behring Sea all the way across."

G. Dishow.—"This year the 'Umbrina' returned from the Commander Islands between 10th September and 1st October. I saw seals in large numbers all the way over about 200 miles south of the Aleutian Islands, to within 200 miles of Queen Charlotte Islands. The year before [1891] I saw seals along the same course a couple of weeks earlier, but not in so large a number."

Captain A. R. Bissett.—"I left the other [Asiatic] side 21st September last [1892], and arrived home 14th October instant. I sailed southerly to the 49th parallel, and thence easterly to Victoria. I saw seals nearly every day until we got within 500 or 600 miles of Vancouver Island. We here entered very bad weather, and did not notice the seals. There was scarcely a watch that did not report seeing seals. On two days I saw seals enough to justify lowering a boat, had the weather not been so heavy. This was about the 173rd meridian west, on the 49th parallel.

"From my experience and observation I believe that immense numbers of the seals that go up this coast never enter Behring Sea. I know that all through the summer and early fall that seals are scattered over the North Pacific north of Vancouver Island, and as far as the 165th meridian east. I have compared notes with other masters, sailing both earlier and later than myself, and I have found all reporting seals scattered over the ocean from one side to the other."

Captain Herman R. Smith.—"On my return home [from Commander Islands, 1892] I sailed south from Attu Island to between the 49th and 50th parallel north latitude, then east, for home. I saw seals scattered all along the route home, and at the dates and places given here I saw more than usual, and entered the fact in my log. The entries are as follows:

September	9.—49° 58′	north,	176° 58′	west.
"	11.—50° 4′	"	168° 32′	"
"	15.—49° 44′	"	156° 4′	"
"	21.—49° 44′	"	132° 56′	"

"On all these days at these places I saw numbers of seals, though the weather was rough."

Captain Theodor Magnesen.—"As I came home [from Asiatic side, 1892] I saw quite a number of seals south of the Aleutian Islands in September. This was a little to the westward of the 172nd meridian, and from 20 to 50 miles from the islands."

Ernest Lorenz.—"On the way over [to Asiatic side] I saw seals from 80 to 100 miles south of the Aleutian Islands and about the 180th meridian; also off the 172nd Pass. I don't know whether were going to the Pribyloff or Commander Islands."

Emil Ramlose.—"This year [1892] I went over to the Russian side, and on the way home our vessel went in to Adkah Island to water. Seals were seen between Kanaga Island and that island. We were about 10 miles from land then."

C. A. Williams.—"This year, on the way home [from Commander Islands], I saw seals in mid-ocean. I have seen them every year [five years] this way.

"On the passage home from Petropaulsky, and when about 800 miles from Cape Flattery, I saw seals at sea. . . . . Both years [1891-92], when going to the Copper Islands, I saw seals all the way across along the Aleutian Islands, and this year I saw seals in mid-ocean on the course home. I have seen them every year this way."

W. Shields.—"This year [1892] I saw seals all the way across to the Commander Islands, not many, but always a few. We went south of the Aleutian Islands."

A. Mathison.—"The 'Sea Lion' left the Copper Island grounds on the 13th September [1892]. I saw seals scattered all the way over, and quite a number off Cape Flattery."

F. W. Strong.—"This year [1892] the 'Maud S,' left the Commander Island grounds on the 10th September, took water at Amchitka Island, and sailed direct for Victoria. We saw scattered seals every day all the way over, mostly 2-and 3-year-old bulls, but some full-grown males and females."

George F. French.—"Last year [1891] the 'City of San Diego' left the Copper Island grounds on or about the 28th August. I saw seals all the way over to Cape Flattery. We sailed from Attu Island in as straight a line as we could for Cape Flattery. The year before we left there on the 'Hamilton Lewis,' about the middle of August, I saw seals all the way over in mid-ocean. That year we made as direct as possible for San Francisco."

25 *George F. French.*—"Last year, 1891, when the 'City of San Diego' was crossing Behring Sea from Amutka Pass to Copper Island, we passed small bands and bunches of seals travelling rapidly north-easterly. This took place on three different days. The last lot we met were about 150 miles from the Copper Islands. . . . . I am fully satisfied they were crossing Behring Sea to the Pribyloff Islands. This was between the 5th and 12th July, 1891."

W. G. Goudie.—"The 'Carlotta G. Cox' left the Commander Islands grounds on the 5th September this year, and sailed directly for Victoria. I saw seals now and then over the entire course."

W. De Witt.—"I have been over to the Copper Island grounds twice, in 1891 and 1892. In 1891 the 'Viva' crossed Behring Sea from about 20 miles north of Amutka Pass to the Copper Island grounds. I saw seals scattered all the way over. This year the 'Sea Lion' went over outside the Aleutian Islands. I saw seals in about the same way all the way over."

Captain Charles Campbell.—"I went over to the Asiatic side of Behring Sea last year and this year, last year through Behring Sea, this year outside. Last year we saw seals on the way across whenever the weather was fine. There was no way of telling when we saw the last of the seals that frequent the Pribyloff Islands, and met the first of those that were going to the Commander Islands."

[See log of "Umbrina" for 1892.]

Thomas H. Brown.—"Last year and this year I hunted on the Asiatic side of Behring Sea in the summer. On the way across last year through 'the Sea' we saw seals whenever it was fine, and got some, and this year we saw some seals south of the Aleutian Islands as we went across."

Neil Morrison, hunter.—"I was taken prisoner this year by the Russian man-of-war 'Zabiaka' while out hunting, and came home on the 'Rosie Olsen.' I saw seals all the way from Petropaulovski to within 500 miles of the American coast-line along the 49th parallel north. This was between the 23rd August and the 10th September."

H. S. Browne.—"I went to the Copper Island side this year on the 'W. P. Sayward,' and saw seals all the way across, and also on the way home again. On the way home from Copper Island we sailed through great

numbers of seals when about 700 miles from Petropaulski and about 300 miles south of the Aleutian Islands."

John Williams.—"About the 25th June [1892] we left the vicinity of Kadiak Island for the Copper Island sealing-ground, at which we arrived on or about the 24th July. On the voyage over, when off the Rat Islands, about 90 miles south, I saw numbers of seals travelling towards those islands. To all appearance they were the same as the coast seals."

Captain James W. Todd.—"In September last [on 'Enterprise'], on my voyage home from the Asiatic side, I saw seals in mid-ocean 200 miles east-south-east of Attu Island.

"When ordered out [of Behring Sea] in 1891, I was about 30 miles northward of Unimak Pass. I at once sailed across the sea westward to the Copper Island grounds, following a course along the 55th parallel north latitude. I saw seals all the way across to the Commander Islands. Some of the seals were sleeping, others travelling, some east, some west, most of them going east."

Charles Peters.—"Last November [1891], In returning from the Copper Island side, I saw seals from there to 400 miles from Vancouver Island coast."

Captain A. C. Folger.—"I know of places in the North Pacific where seals are to be found in abundance, but whether these seals go to the Commander Islands or the Pribyloff Islands there is no way of telling. I remember when near an island called Midway Island, northward of the Sandwich Islands, seeing them in great numbers, such that had I been pelagic sealing I would have thought it worth while stopping to hunt them, but we were anxious to get to Yokohama. These seals are as likely to go to the Commander Islands as the Pribyloff Islands, and it seems to me very probable that the seals from the American islands and those from the Asiatic islands may mingle there. I mean that those that go farthest south on both sides very likely mix there. I have seen Eskimo wearing clothes made of fur-seal skins when north of Behring Straits when trading there, and I once saw a fur-seal lassoed when north of East Cape, and on the same cruize the captain in my presence shot a fur-seal from the deck of the vessel, a boat was lowered, and the seal was got. The mate also shot them. I don't know where these seals came from, but am sure they were fur-seals. I have known fur-seals for nearly twenty years."

Andrew McGarva.—"On the way across [from Copper Island grounds in 1892], in about latitude 50°, we saw seals every fine day. I don't know which islands they belonged to."

Captain George McDonald.—"One year, in the month of August, on the 'Lily,' I got seals 200 miles south of the Shumagin Islands, and I have found seals as far west as the 172nd Pass in the month of September."

Captain Melville F. Cullen.—"I went to the Russian side this year; coming back we saw seals in the North Pacific 300 or 400 miles from the Aleutian Islands in September."

26 *Maurice Edwards.*—"I went over to the Russian side of Behring Sea last year [1891], and I saw a few scattered seals all the way across."

George F. French.—"I found a few seals all the way across from the Pribyloff Islands to Copper Island two years ago [1890], but not many, and on the way home we saw them here and there all the way from

Attu Island to San Francisco. Last year [1891] I entered the Sea by the 172nd Pass, and again found a few seals all the way to Copper Island. Coming home we went to Victoria from Attu, and found a few seals all the way. I believe the seals go from one side of Behring Sea to the other, as some years when the seals are very abundant on the Alaskan side, and a large catch would be expected in Behring Sea [*i.e.*, on American side], it would not be made, and it would be found that a great many seals would be taken on the Russian side, although there had not been more than usual on the coast there. I learned from a hunter on the 'Teresa' last year that a large band of seals had been met with 280 miles north-east of Copper Island, travelling towards Copper Island. This was in the early part of July."

Charles Campbell.—"Last year [1891] we saw seals on the way across [to Asiatic waters] whenever the weather was fine; there was no way of telling when we saw the last of the seals that frequent the Pribyloff Islands, and met the first of those that were going to the Commander Islands."

Captain S. W. Buckman.—"In that year [1886] we passed through seals for two days and a part of a third, about 150 miles south of the Aleutian Islands. We moved at the rate of about 9½ miles an hour. We saw the last of them about the 172nd meridian [this would be from longitude of Rat Islands to longitude of Atka]. The captain and mate of the 'Zambesi' have told me that in January last they saw the seals in about the same place, or a little to the west of where I saw them. When I saw them they were about as plentiful as sealers generally find them, but the officers of the 'Zambesi' report them as being much more abundant than that."

William Edwards.—"Last year [1891] I went over to the Russian side of Behring Sea; we saw a few seals all the way across."

Captain Thomas O'Leary.—"I went across to the Russian side of the Behring Sea last year [1891]. We found a few seals nearly all the way across."

Charles Otis Burns in 1891 and 1892, in going to the Asiatic side of the North Pacific, saw "scattering seals all the way over, and saw the same this year. The course both years was from 30 to 60 miles off the Aleutian Islands."

W. O. Hughes saw during the first week in July seals "between the 172nd Pass and the western islands of the Aleutian group from 30 to 60 miles off the south shore."

George Wester says: "In travelling from the American to the Asiatic side of Behring Sea from the middle of June to the middle of July, I have seen seals all the way across on fine days. . . . . In the month of September, coming from the Commander Islands to Cape Flattery on or about the 50th parallel, have seen more or less seals every day. I have seen seals in all the passes in the Aleutian Islands that I have entered between Unimak and Attu Island."

Captain Charles Lutjens, when returning from the Commander Islands to San Francisco in 1892, south of the Aleutian Islands, "noticed seals more or less every day."

Captain Charles Hartiwen, sixteen years' experience, has crossed from the American to the Asiatic coast about the latter part of June, and from the Asiatic to the American coast in September, "and have seen seals off and on almost every fine day on the passages. . . . . I have crossed to the Commander Islands, keeping south of the Aleu-

tian group, and have noticed seals going north through all the passes as far westward as Attu Island, and have seen stragglers from there to the Commander Islands."

Milton Scott states that in 1891 and 1892 he crossed over to the Russian coast. "On each occasion in returning we saw seals more or less every day."

Charles Francis went on the "Brenda" to the Asiatic coast along the Aleutian Islands about 50 miles south. He saw scattering seals all the way, especially about the 175th to 180th parallel.

Michael Keefe went to the Asiatic coast in 1892, and saw scattered seals all the way across, especially off Amutka Pass and about the 180th parallel.

W. O. Shafter, in crossing from the American to the Asiatic coast in July, saw seals more or less every day.

Captain C. E. Mockler, in crossing from Japan to Victoria in 1892, taking the "great circle" course, passed about 200 miles to the southward of the Aleutian Islands, and saw seals every day, some days only one or two, but some each day right along.

27 *Lee J. Thiers* says in coming back from the Japan coast in 1892, late in June and early in July, the "great circle" track for Victoria was followed, and in the passage across he saw seals every day. The vessel ran within 200 or 250 miles of the Aleutian group.

Warren F. Upson, in crossing south of the Aleutian Islands to the Commander Islands in July 1892, noticed seals more or less in the passage. . . . . He further says: "I have crossed from San Francisco to Yokohama many times, and have taken many different courses. In courses made from 35° to 45° north have seen seals off and on every day all the way across in January, February, and March."

Captain Adolphe F. Carlson states that he crossed in the mail-steamer "Gallic" from Yokohama to San Francisco, making a course 45° north, and has seen seals more or less every day—this was in the month of January—and has returned the beginning of February at a course about 36° north, and again saw seals almost daily during the voyage.

Frederick Crocker has made many sealing voyages to Russian and Japanese waters, and says: "In crossing from the American to the Russian side, I have noticed seals more or less every day during the passage; this would be about the month of August, and in coming from the Russian to the American side, south of the Aleutian Islands, about the month of September, have observed the same thing."

William Conners says: "In 1883, crossing from the Japan Islands to Victoria in October and November, I noticed seals every day during the voyage."

H. J. Lund says: "On the way home this year [1892], during the month of July, on the "great circle" track, we saw seals every day; some days as many as twenty."

James W. Crew says: "In crossing from the Russian side to San Francisco, and following a course bringing us south of the Aleutian Islands, about the month of September, I have seen straggling seals all the way across until we reached 150° west longitude."

Captain Andrew McKiel states that, in 1891, "the 'Maud S.,' after being warned, sailed across Behring Sea in nearly a direct line between the Pribyloff Islands and the Commander Islands. I saw seals every day on the voyage over. This year the 'Sadie Turpel' went over to the

Copper Island grounds, outside of and about 75 or 80 miles south of the Aleutian Islands. Saw seals every day on the voyage from Amutka Pass to Attu Island." Seven were at different times shot from the deck, and a boat lowered to get them. These seals were traveling towards Behring Sea in a westerly direction. On the return voyage seals were seen about 60 miles south of Attu.

Frank Moreau.—"We left Copper Island about the 12th August [1892], and arrived in San Francisco about the 20th September, and kept to the south of the Aleutian Islands. I noticed seals more or less all the way across."

Captain G. Scott.—"In crossing from the American to the Asiatic coast I have noticed seals every day more or less. . . . I think that both the American and Russian seals are taken about the Equatorial Islands, and are there mingled together in the winter months."

VIII.—*Statements showing the occurrence of Fur-seals to the South of the Aleutian Islands during the Summer Months.*

Captain Charles J. Harris.—"In August 1890 I saw seals about 300 miles from [south of] Kadiak, and in August 1891 I saw seals about 250 miles from Kadiak.

"I have seen seals as far south as Queen Charlotte Islands in August."

Captain R. O. Lavender.—"Coming home this year [from Kadiak] I saw four sleeping seals off Cape Flattery, 21st July; one was shot. It was a barren female in good health, for I carefully examined it."

W. T. Bragg.—"I went to the Russian side this year, and on the way home in September I saw seals in the North Pacific about 500 miles from land. I have seen them in about the same place in previous years.

"In August 1888 I saw sleeping seals in the water near the Scott Islands, that is, within 20 miles from the said islands, and have heard other seal-hunters make statements that they had also seen seals there."

28 *Ralph Starrat.*—"I have seen a very few seals in the autumn in the ocean between the Aleutian Islands and Vancouver Island."

James McRae.—"We saw three or four seals south of the Aleutian Islands last year in the early part of September, as we returned from Copper Island."

William Cowie.—"On the way home last year [from Behring Sea] I saw a few seals in mid-ocean in September."

Joseph Brown.—"In 1890 we killed a seal in mid-ocean when returning to Victoria in September on the 'E. B. Marvin,' and in November of the same year, when on the 'Triumph,' I saw four seals 300 or 400 miles off Queen Charlotte Islands."

Ernest Lorenz.—"In 1890, on the way home [from Behring Sea], I saw seals at least 300 miles westward of Cape Cook, and got a few of them. This was about the middle of September.

"I know from my own experience that seals remain off the coasts of Vancouver Island all the year round, as well as off Queen Charlotte Islands and Southern Alaska. Captain Ferry, of the 'W. P. Sayward,' in 1891, told me he got about 40 seals 400 miles westward of Queen Charlotte Islands in September 1891."

Emil Ramlose.—"Other years I have seen seals—large seals—in July outside the 172nd Pass, and in August between Umniak Pass and the Sannak Islands."

Colin Locke.—"On the way home [from Asiatic side] this season [1892] we saw seals about 210 miles south-east of the 172nd Pass. I do not know whether these seals came from the Commander or the Pribyloff Islands, but as I had heard from more than one person that there was a rookery on the Aleutian Islands, I thought they might have been from there."

W. Shields.—"Different years when coming home from Behring Sea we have taken seals 500 miles or so from Flattery, and every year we see some. [Seven years' sealing.] Three different years I went into Behring Sea through the 172nd Pass, and each year saw outside the pass a great many seals."

O. Scarf.—"I have hunted five years in Behring Sea. . . . On the return from Behring Sea every year I have been there, I have seen seals in the North Pacific Ocean hundreds of miles from land."

J. H. Haake.—"In September of this year, while we were proceeding homeward [from Copper Island grounds], and while in the North Pacific Ocean, we saw a few seals."

W. De Witt.—"I have seen seals all over the North Pacific in the fall and early winter."

George McDonald.—"One year in the month of August on the 'Lily,' I got seals 200 miles south of the Shumagin Islands, and I have found seals as far west as the 172nd Pass in the month of September when homeward bound."

G. C. Gerow.—"All the years before last year [1891] I found young seals in September all along between the pass by which we came out of Behring Sea and Cape Cook. These seals had not been at the breeding-islands. Last year it was too stormy, and no look-out was kept.

Captain James Gaudin.—"About the 1st September seals were plentiful [in 1887] outside Akutan Pass."

Captain William Petit.—"I have seen seals in the North Pacific Ocean between Unmiak Pass and Queen Charlotte Islands in September, and one year a good many. Last year [1891] I saw some in August."

Captain C. F. Dillon.—"In 1888 I came south from Behring Sea about longitude 175° west, and caught seals there; this was in the latter part of August. In 1886, late in August, we killed seals 30 or 40 miles south of 172nd Pass; between Umniak Pass and Saanak Islands, in 1887, I saw seals quite abundant in the latter part of July. In 1889 we got seals about Kadiak Island off and on all summer. In 1890, late in August, I killed a sleeping seal off the Shumagin Islands and saw others."

William Roland says: "That every year on the return from Behring Sea or Copper Island grounds I have seen scattering seals in the North Pacific on our course about 400 or 500 miles from Kadiak Island, along the 50th parallel north latitude." This would be between the middle of September and first of October.

Arthur W. Roland, saw seals in 1892 about 500 miles south of the Aleutian Islands, along the 50th parallel north latitude. In 1891 he saw some seals [when returning from Behring Sea] about half way between Unimak Pass and Cape Flattery.

29 *John Matthews* states that on the "Brenda's" voyage home in 1891 from Copper Island grounds he saw seals about 300 miles

south of Middleton Island. This was about the middle of September. He has also seen seals about 15 miles off Cape Flattery about the 21st September."

Charles Hayuks.—"We see the first seals [at Barclay Sound] before Christmas, and continue taking them until June, but there are seals about all summer."

IX.—*Statements relating to the Abundance, or otherwise, of Fur-seals at Sea in late years.*

Charles J. Harris.—"More than ever before."
Charles Le Blanc.—"More this year than in any former year."
George Roberts.—"More than in any previous year."
Matthew Ryan.—"A good many more than last year."
R. O. Lavender.—"More seals this year."
J. S. Fanning.—"I saw more seals this year than I ever did before."
Abraham Billard.—"More seals this year than last."
George Dishow.—"More seals this year than in any other."
A. R. Bissett.—"More seals this year than ever before."
Herman R. Smith.—"Many more than twelve years ago."
William De Witt.—"More this year than ever before."
William G. Goudie.—"Saw this year more seals than ever before."
Laughlin McLean.—"Seals more plentiful than ever before."
J. H. Haake.—"Never saw seals so plentiful."
George F. French.—"More than in two previous years."
Oscar Scarf.—"Many more this year than ever before."
Frederick W. Strong.—"More this year than ever before."
W. Shields.—"Saw more seals in 1892 than any year but 1889."
Emil Ramlose.—"More this year than ever before."
E. P. Miner.—"More this year than ever before."
Charles Campbell.—"More this year than last year."
William Fewings.—"Seals more numerous this year than before."
David Laing.—"More this year than ever before."
August Reppen.—"More in 1892 than in any previous year."
Thomas Brown.—"This year more than ever before."
Henry S. Browne.—"More than in any previous year."
James W. Todd.—"More seals than ever before."
30 *Walter Heay.*—"More than ever before."
Henry Paxton.—"More than in any other season."
George Heater—"More this year than in either of the previous years."
Albert J. Bertram.—"More than in any previous year."
Andrew McGarva.—"More this year than formerly."
Robert S. Findley.—"Never saw so many as this year."
Thomas Garner.—"More this year than ever before."
G. E. Miner.—"Have never seen seals so plentiful as they were this year."

W. O. Hughes.—"Nowhere, except in Behring Sea last year, have I seen so many seals as this year [1892] along the coast."

Joseph Brown.—"I saw more seals in 1891 than in any previous year."

Luke McGrath.—"I saw more seals this year on the part of the coast I was on than on the same coast last year."

James Siteman.—"I saw more seals in 1891 than in any other year I have been out."

C. O. Burns.—"I saw more seals this year than last."

John Coburn.—"There are just as many seals on the coast now as there was when I first went out; in fact, this year I saw more seals on the coast than ever before."

George Wells.—"I saw more seals on the coast this year than either of the previous two years."

Lee J. Thiers.—"From my own observation, and from what other sealers tell me, there were more seals seen this year than ever before."

W. Conners.—"I have seen more seals this year than in any year before since I have hunted. . . . . Certainly their number is not growing less."

P. E. Peterson.—"Seals were more plentiful, I think, this year than in 1891; they are not decreasing."

James Ford.—"I saw more seals this year than I did last."

William F. Roland.—"I saw a great many more seals this year than ever before all along the coast."

A. W. Roland.—"I saw more seals on the coast this year than in any other year I have been out."

Andrew McKeil.—"I saw more seals on the coast this year than last."

William Edwards.—"There seems to be more seals this year than last."

Thomas O'Leary.—"Seals are more plentiful this year than last."

Luke McGrath.—"I saw more seals this year than last."

Peter Carlson.—"I do not think seals any less numerous this year than when I first went sealing, as I have seen more seals this year than ever before."

Dan A. Lewis.—"There are more seals now than when I first went hunting. I notice it wherever I go."

Abel Douglas.—"The past two years I have seen as many seals as I ever saw."

W. T. Bragg.—"As plentiful this year as any previous year."

James Shields.—"Saw this year as many seals as ever before."

Andrew Mathison.—"No decrease in six years."

31 *C. A. Williams.*—"Seals as plentiful as ever saw them before."

Colin Locke.—"As many this year as in previous years."

E. Lorenz.—"Seals are not decreasing."

Theodor Magnesen.—"As many as other years."

W. E. Baker.—"Quite as many as ever before."

Robert E. McKiel.—"As many this year as ever before."

George McDonald.—"Quite as, if not more, numerous than ever before."

Joseph Hall.—"Just as many this year as last."

A. D. Laing.—"As many last year as ever before."

John Morris.—"About in the same numbers."

Victor Jacobsen.—"As many this year as last."

H. L. Algar:—"Not fewer now than six or eight years ago."

F. G. Warrington.—"As plentiful, or more so, than ever before."

J. D. Warren.—"No decrease in numbers of seals off the coast."

William Hermann.—"I do not notice a material difference in the number met with since the time I began hunting until now."

William Brown.—"During my fourteen years' residence on those islands [Aleutian] and mainland of Alaska I have not noticed that the seals have diminished in numbers."

George Scott.—"I do not see any difference in the number of seals now and when I began sealing."

George Wester.—"Seals are just as plentiful now as they were the first year I went hunting, ... and I have seen as many, if not more, this year [1892] as in any previous year."

Charles Lutjens.—"I cannot say that I notice any difference in the number of seals now and when I first began sealing."

Charles Hartiwen.—"I believe the seals are just as numerous as ever."

Milton Scott.—"I think that I saw last year more seals than I ever saw since I hunted first, and I do not think their number is diminishing."

J. S. Worth.—"I do not think there is any difference now in the number of seals I see than when I first began hunting."

Michael Keefe.—"This year I saw just as many seals on the coast as in any of the first three years I was out sealing."

W. O. Shafter.—"The seals seem to be as thick now as ever they have been."

C. E. Mockler.—"Seals are just as plentiful this year as in any year in my experience, and I do not think they are decreasing."

J. W. Crew.—"I saw as many seals this year as I have ever seen, and I cannot notice that they are decreasing."

H. F. Sieward.—"Seals are as plentiful this year as I have ever seen them."

C. F. Dillon.—"I don't think seals are getting any scarcer, at least at sea."

G. C. Gerow.—"They were as plentiful as ever last year [1891]."

Frank Moreau.—"I do not notice that seals are decreasing."

James Carthcut.—"Always sealed along the coast and in Behring Sea, and notice no difference in the number of seals from the first to the last year."

32 *Hit-hitte.*—"There are just as many seals along the coast now as when I first began to hunt, but they are found further off shore."

Kasado.—Does not think seals are less plentiful, but they have been frightened away from the shore.

Clahapisum.—"There are as many seals as formerly, but they are more frightened and hard to kill."

Hanaisum and *Clahouto* think the same as Clahapisum.

Walter Watt.—"I believe that the seals are just as plentiful as years ago."

Chileta.—"I think the seals are just as plentiful as they used to be."

Charles Hayuks.—"This year I saw as many seals as I ever saw before. None of us Indians think the seals are any fewer."

Oquaghu.—"Seals are just as plentiful as ever, but do not come in so close to shore now as before white men commenced hunting."

Kach-kach-ah.—"Seals are as plentiful as ever."

Charlie and *Harry* think as Kach-kach-ah does.

Shewish.—"They are as thick as they used to be."

Clat-ka-koi.—"The seals appear to be as plentiful now as formerly."

Kickiana agrees with what is said by Clat-ka-koi.

Click-la-hou-to.—"I believe that seals are as plentiful now as they were when I first commenced to hunt."

Keshuqua and *Clatchu* believe as Click-la-hou-to does.

Clat-misk got more seals this year than last.

Wahka, *Nahwyak Claphighup*, *Tsawassup*, and *Tootush* had the same experience as Clatmisk.

Ehenchesut.—"Just as many seals as ever."

Imihap thinks as Ehenchesut does.

Annetz-a-chett.—"The seals appeared to me [in 1892] as plentiful as when I last hunted five years ago."

Louis Annetz-a-chett agrees with Annetz-a-Chett.

Hat-la-cuntl sees no difference in the number of seals now and when he first went out sealing.

Cedar-kanim, up to the time he gave up hunting three years ago, had noticed no difference in the number of seals."

Ax-clappa has not hunted for three years, and thinks as Cedar-Kanim does.

Qui-an-ah.—"The seals seem to be as plentiful now as when I first went sealing."

Enocto.—"I think the seals are just as thick now as some years ago."

Quat-loose, *Fred*, *Suit-hatchest*, *Peter*, *Kawannass*, *Shooksa*, *Keelthlah*, *John Werghlah*, *Tacoottish*, *Mucklemick*, and *Sheeuah* think as Enocto does.

High-eit-lick-sheel.—"I do not think they [the seals] are fewer than they were seven or eight years ago."

Charlie Quisto.—"The seals come to this coast just as many as ever."

See-ah-sum and *Wech-tin* believe as Charlie Quisto does.

Schoultwick.—"Along the coast and in the Sound [Barclay] seals were not as plentiful in 1892 as 1891." Accounts for this by white hunters having come early and scared the seals away.

33 *Clawaunack*, *So-y-uk*, *Thompson*, *Jack*, *Too-tootch*, and *Jimmy* think as Schoultwick does.

Atelu does not think there are as many seals now near the shore as in 1886, but thinks there are just as many skins [taken].

Ah-nah-yook agrees with Atelu.

James McRae.—"Fewer seals this year than last." ("Oscar and Hattie.")

William O'Leary.—"This year not so many as last year. Last year more than any year but 1890."

William Cowie.—"Fewer seals than last year." ("Oscar and Hattie.")

Frank Campbell.—"Seals scarcer this year than last." ("Oscar and Hattie.")

(*Note.*—The "Oscar and Hattie" did not leave Victoria until late in the season.)

Adolphe F. Carlson.—"I think seals are decreasing, for I hear so from those on the Island of Shumagin and other islands in that vicinity, and I don't think I see so many myself."

X.—*Statements relating to Coition of Fur-seals at Sea.*

Charles J. Harris.—Has seen seals pairing in Behring Sea.

Charles Le Blanc.—Has seen seals pairing in water, and describes manner of effecting copulation. Has seen both male and female killed at such times.

Abel Douglas.—Has often killed both male and female while they were copulating, and describes manner in which it is effected.

George Roberts saw seals pairing in the water on Fairweather grounds in 1892.

J. S. Fanning has seen seals attempting to have connection in the water.

Abraham Billard has shot both seals while they were pairing in the water.

William O'Leary has seen seals pairing in the water.

A. S. Campbell has seen seals copulating in the water, and once killed the female. It was a cow with milk in her breasts. He describes manner of effecting copulation.

F. Campbell saw seals pairing off Mount St. Elias in June 1891.

Joseph Brown has seen seals pairing in the water, and once killed the male and the female; the female was a young one that had never had a pup.

William De Witt once killed both the male and the female when they were pairing in the water.

William G. Goudie twice saw seals pairing in Behring Sea.

J. H. Haake has seen seals pairing in the water, and has killed both male and female.

George F. French twice shot both the male and the female when they were pairing in the water.

Oscar Scarf has often seen seals having connection in the water, and has killed both male and female while they were in the act.

Frederick W. Strong once saw seals pairing in the water, and shot both of them.

William Shields has seen seals attempting to pair in the water, and has shot both male and female often. Describes actions of the seals at such times.

34 *Charles A. Williams* has often seen seals as he thought pairing in kelp, and has killed both.

Emil Ramlose has seen seals pairing in the water, and describes their actions.

Theodor Magnesen has seen seals pairing in the water, and has heard his hunters say that this will be seen whenever there is a large body of seals with the sexes mixed.

George McDonald once saw two seals shot while they were pairing in the water, and describes the manner in which copulation is effected.

August Reppen describes manner in which seals copulate in the water.

Thomas H. Brown has seen seals pairing in the water, and has watched them for as long as five minutes at such times.

Walter Heay has watched seals for upwards of five minutes while they were pairing in the water, and describes manner in which copulation is effected.

Hiram B. Jones has shot both seals while they were pairing in the water in Behring Sea.

Edward Cantillion has seen seals pairing in the water.

A. C. Folger has seen seals attempting to pair in the water hundreds of times, and says that the males are a class larger than those that are killed on the Seal Islands.

Andrew McGarva has shot both male and female seals as they were attempting to pair in the water.

Robert F. Finley has seen seals pairing in the water, and shot both male and female at such times.

Thomas Garner on two occasions in Behring Sea shot both male and female while they were pairing in the water, and describes at length the manner in which copulation was effected.

John Kraft has seen seals pairing in the water.

Frank G. Warrington describes manner in which copulation is effected by seals in the water.

G. E. Miner has seen seals attempting to pair in the water.

Captain G. Scott has seen seals pairing in the water, and at such times has been able to kill both by killing the cow first.

George Wester has seen seals pairing in the water, and at those times has been able to kill both the male and the female.

William Conners has seen seals pairing in the water, and by killing the female first has been able to get both.

William Petit, has seen seals pairing in Behring Sea, and describes manner in which copulation is effected.

C. F. Dillon has seen seals pairing in the water in Behring Sea.

XI.—*Evidence respecting the Resort of Fur-seals to new Breeding-places from time to time.*

Captain E. P. Miner.—"The next year, 1882, I sailed from Yokohama in the schooner 'Otome' otter-hunting to the Kurile Islands. The year before that Captain Snow had found a new rookery on Shed-noi Island, and in 1882 we went there and camped ashore; there were eight schooners of us. I do not remember exactly how many seals we got then, but know that there were 1,000 in the first drive. A rookery had been found on Moo-shir Rocks the year before, and we worked both rookeries that summer. . . . In 1883 I went in the schooner 'Otsego,' of
35 Yokohama, sea-otter and seal hunting, but we wanted particularly to find a rookery in the Japan Sea. I was mate and navigator. We were looking for the Waywoda Rocks, on which seals had been reported to haul out, but these rocks, I believe, do not exist. We found seals, however, on the Bittern Rocks, 14 miles off north-west coast

of Nipon Island. . . . [In 1881] we landed on two small islands to the northward of Karaginski, and though we found no fur-seals, we found a great many skeletons and skulls ashore there; the skulls were all broken up as if they had been clubbed. . . . In 1884 we went from Karaginski Island to Yokohama, getting a few seals on the Moo-shir Rocks. . . . In 1885 I went out as master of the 'Penelope,' and discovered a new rookery on Raikoke Island, one of the Kurile group. We got about 3,500 skins there. . . . In 1886 I was again master of the 'Penelope,' and visited Raikoke Island, Moo-shir Rocks, and Shed-noi, but got only about 500 seals."

Captain A. C. Folger.—"Besides the rookeries on the Commander Islands and Robben Reef, I know of hauling-out places—not rookeries. One place was a little island called Raikoke, right in the middle of the Kurile group. Vessels went there every year sea-otter and sea-lion hunting, but no seals had ever been seen there; but in 1886 [1885], when on the 'Penelope,' Captain Miner, we were surprised to find thousands of seals hauled out there. I had been at this place for the three previous seasons; there must have been 12,000 or 15,000 seals—among them 700 or 800 pups. We took 4,000 skins, and had not salt to cure more. . . . Captain Snow, in 1879 I think it was, found seals on Moo-shir Rocks. I and all the other hunters had been there the year before and other years, but never saw seals. . . . I know from the experience I have had that it is a common thing for seals on that side to haul out on new grounds, and every schooner always made a point of stopping at every barren rock to have a look for seals."

William Hermann states that two years ago (1890) he was in the Okhotsk Sea, and his schooner got 283 seals on the Island of St. Iona, and, altogether, 700 seals were got there that year by three schooners, and last year he was there and got 551 in the schooner "Arctic." These were got hauled up on the rocks, and were first discovered by Captain Pine, of the "Arctic," in 1889. Eight years ago Captain Petersen, of the schooner "Diana," of Yokohama, was there, and there were no seals there.

S. L. Beckwith says: "I remember there was a seal rookery on Ketoy Island, one of the Kurile group; that was about 1873 or 1874. I have been there since, and they are all destroyed."

Warren F. Upson.—"Commenced killing fur-seals as a business about thirteen years ago. . . . Was otter-hunting, principally among the Kurile group, up to the time I commenced seal-hunting, and was as familiar with all the Islands of the group as I am with the streets of this city, from Cape Nogshof to Kamchatka, and know that there were no rookeries at that time on those islands. I know Raikoke, Moo-shir, and Shed-noi Rocks, and to my knowledge there were no rookeries on them during my otter-hunting days, but I have learned since that Captain Miner has taken a large number of seals on some of those rocks."

Adolphe F. Carlson.—"I hunted otter along the Kurile Islands from 1872 till 1883, and know that up to 1879 there were no rookeries on Raikoke Island or Moo-shir Rocks, and seals up to that time never hauled up on either of these islands to breed, but I learn they were found there in 1880 or 1881."

Frederick Crocker.—"I first hunted among the Kurile Islands in 1881, and found rookeries on the Shed-noi and Moo-shir Rocks and Raikoke Island, and we made good takes, but cannot say now exactly how many; that year I was in the 'Diana' sailing from Yokohama."

XII.—*Evidence of Sealers relating to Comparisons between Seals obtained on the American and Asiatic Sides of the North Pacific.*

Charles Le Blanc.—"I have never noticed or detected any difference in the seals on the two sides of the North Pacific or Behring Sea. I believe them to be identical."

Abel Douglas.—"There is no difference that I can see in the seals that go to the two groups of islands, unless it is that the seals on the Russian side are a little darker in colour."

Abraham Billard.—"I do not know any difference between the seals on the two sides of the Pacific."

Otto Buchholz.—"I don't know any difference between the seals on the Asiatic side and on the American coasts. The former may be a trifle darker in colour at the same time of year, but I cannot tell one from another."

36 *William O'Leary.*—"I have been sealing two seasons on the Asiatic side of Behring Sea, and have not been able to detect any difference between the seals on that side and those on the American side."

A. R. Bissett.—"I was over to the Copper Island grounds this year. My hunters got 421 seals there. The only difference between the seals over there and on this side that I can see is that the Copper Island seal is a little darker in colour. The seals there are not so fat as on this side."

H. R. Smith.—"The seals off Copper Island seem a shade darker than on the eastern side, and are certainly not so fat."

W. G. Goudie.—"I know no difference between the seals on the two sides of the Ocean. I don't think there is any difference."

George F. French.—"The only difference I have noticed in seals on the two sides of the Pacific is that the Asiatic seals are a shade darker on the average, and taking the average of a catch, a little larger. I could not tell the skins of the two apart if I saw them together except by the darker colour. Some seals are darker than others on the American side."

Frederick W. Strong.—"I cannot see any difference between the seals on the two coasts, except that they are not nearly so wild on the Asiatic side as on the American side."

W. Shields.—"There is no difference between the seals on the Russian and the American side of Behring Sea unless it is that those on the Russian side are a little darker in colour."

Colin Locke.—"The skins taken on the Asiatic side seemed to be of better quality, but there is not any difference in the animals themselves."

Emil Ramlose.—"I do not think there is any difference between the seals on this side of Behring Sea and on the other side, unless it is that on the Russian side the seals are lighter in colour."

Ernest Lorenz.—"I don't see any difference between seals on the American and Asiatic side, and don't think anybody can. They seem alike in all respects."

Theodor Magnesen.—"I did not notice, and do not believe that there is, any difference between the seals, unless it is that they are darker in colour on the Russian side."

W. E. Baker.—"The only difference between the seals on the two sides of Behring Sea that I have seen is that the seals are darker there [on the Asiatic side]."

Robert McKeil.—"I have noticed no difference in the seals on the Asiatic and on the American side of Behring Sea, unless it is that the seals are darker on the other side. I certainly could not tell them apart in the water."

E. P. Miner.—"I have seen many thousand skins from both the Asiatic and American sides of Behring Sea, and could never see any difference between them, and do not believe that any one could. I sealed on both sides this year, and do not believe that any one could separate my Copper Island skins from the American coast skins."

Joseph Hall.—"I do not know of any difference between the seals on the two sides of the Pacific, except that the seals on the Asiatic side seem a shade darker on the breast, but some of the seals here are exactly like those on the Asiatic side. The seals on the two sides are exactly alike in shape, but those on the Asiatic side, especially bulls, do not seem so fat as the American."

Neil Morrison.—"So far as my experience goes, I believe the fur on the seals of the Asiatic side to be slightly thicker and darker than that of the seals on this side, but in other respects the seals on the two sides are exactly the same."

John Williams.—"The only difference I noticed between the two lots of skins was that the Copper Island skins seemed to me a little lighter in colour, certainly not darker."

John Christian.—"I cannot detect any difference between seals on the American and Asiatic coasts."

Matthew McGrath.—"I took seals on both sides of the Pacific Ocean this year, and saw many others, but I could not see, and do not believe there is, any difference between the animals frequenting the two places."

Walter Heay.—"I don't see any difference between seals on Copper Island side and American side, except that they are a little darker on the breast and belly, and a little tamer."

Joseph J. Beckingham.—"I was over on the Russian side this year, but could not see any difference between the seals there and those on the American side."

37 *H. S. Algar.*—"There is no difference, as far as I could ever see, between the seals on the Asiatic side of Behring Sea and on the American side as regards size, shape, general appearance, &c."

Hiram B. Jones.—"There is no difference between the seals on the Japan coast and on the American coast. I took 1,817 skins on the Japan coast, and saw enough seals to be able to form a good idea as to whether the animals on both sides of the Pacific Ocean were the same, and I consider that they are the same."

Edward Cantillion.—"I sealed on the Asiatic side this year, and could notice no particular difference between the skins found there and those found on the American side."

Albert C. Folger.—"I have killed thousands of seals on the Japan coast and on this side, and there is no difference between them; none of the men I hunted with could tell them apart; I don't believe that any man could tell them apart."

Albert J. Bertram.—"The seals look larger there [on the Asiatic side], but otherwise I see no difference between them and the seals on this side."

Andrew McGarva.—"The seals on the Copper Island side are a little darker in colour, I think, than those on the American side."

Robert S. Findley.—"I think the seals on the Russian side are exactly the same kind of animal as on this side."

G. E. Miner.—"I have sealed three seasons on the Copper Island side of Behring Sea. I have tried to tell the difference between the seal on the American side and on the Russian side, but putting the skins side by side I cannot see any difference."

Laughlin McLean.—"I can see no difference between the seals on this side and on the Russian side."

J. D. Warren.—"This year I handled a lot of skins taken on the Copper Island grounds. I did not notice any difference between them and skins taken on the coast on this side of Behring Sea. The two lots appear to me exactly alike."

Joseph Brown.—"The seals on the Copper Island side are darker in colour than on this side, but I do not think there is any other difference."

J. Siteman was mate of the "Geneva" in 1892, when 600 skins were taken on the Asiatic coast; he had charge of all the skins, and did not notice any difference between the seals taken on that coast and on the American coast.

George Scott.—"I have not noticed any difference in the quality of the skins caught on the Asiatic and American sides."

Charles Hartiwen.—"In my opinion the Asiatic seal, the Japanese, and the American are the same, and I don't think an expert, after they have been salted, can tell them apart. I have had a large experience in all three kinds of skins, and am therefore competent to speak."

Milton Scott.—"I have never noticed any difference in the quality between the Russian and the American skin, but I think the former a little darker."

Charles Francis.—"The seals on the Asiatic side are more copper-coloured on the breast and bellies than on this side, but there is no other difference that I ever noticed. I have seen exactly the same thing in seals on this coast, but not so many of them."

Michael Keefe.—"There is no difference in the seals on the two coasts. There may be a difference of quality in the fur, but in the seal itself there is none."

George Wells.—"I noticed no difference between the seals on the two sides of the Pacific. I often get seals on the American coast differing slightly in colour from the general run, and the same is true on the Asiatic side."

W. O. Shafter.—"Skins on this coast look to me to be better than those on the Asiatic, as the hair looks to be longer."

Lee J. Thiers.—"I have never noticed any difference in the quality of the skins taken along this coast from those in Behring Sea, and I would not know the difference between those taken on the American coast and those of the Japan side."

W. F. Upson.—"In my experience there is no difference in the fur of any of the seals, American or Russian, but I have killed seals off Guadaloupe Island, and found the fur lighter in colour and quality, and not as valuable as the others."

38 *A. W. Roland.*—"The fur of the seals generally on the Asiatic coast is a shade darker than on this side, but I have seen seals on this coast as dark in colour as any I saw over there. Except in this respect there is no difference between them."

John Matthews.—"I did not notice any difference between the seals on the two sides of the North Pacific, except that the seals on the Asiatic side seemed not so wild as on this coast. I think there were a larger number of darker-coloured seals on that side, but the difference is slight, and I have seen seals of the same shade of colour on this side."

Frank Moreau.—"I think there is a difference in the quality of the skins on the Russian and American coasts, because I have noticed more shaggy and rough skins on the Russian than on the American."

Peter Hammel.—"I could not see the difference between the skins taken on the Japanese coast and those taken on the American coast."

XIII.—*Evidence of Sealers respecting the possibility of distinguishing the Sex of Seals by Appearance of Skins.*

Laughlin McLean.—"I cannot tell a skin of a female from that of a male by the teats, for both have teats, and salted skins could not be separated in that way. There is no way to tell the sex of the seal a salted skin is taken from. I don't believe any man can tell the difference."

Captain E. Lorenz.—"Male and female skins of the same size cannot be distinguished one from the other."

Captain Wentworth E. Baker.—"It is not possible to tell a male from a female seal by the skin."

David Laing, engaged in the sealing business since 1867, says: "I have handled many thousands, and could not tell the sex of the seal from which they were taken by the skins."

James W. Todd.—"In 1887, after seizure, my vessel was taken to Unalaska. I had on deck a number of male seals unskinned. At Unalaska they were taken ashore, and the expert there, employed by the Alaska Commercial Company, pronounced them females. It was not till the sexual organs were examined that this expert would admit that the seals were males.

Captain Hiram B. Jones.—"From the skin alone the sex of the animals could not be determined except in the case of large bull seals.

A. J. Bertram, six years' experience: "I do not think the sexes could be distinguished by the skins."

Robert John Horton, thirty-two years in the employ of Hudson's Bay Company at Victoria, says that every year he has handled fur-seal skins brought in by Indians and schooners, and that he cannot tell the skin of a male from that of a female. He thinks it almost impossible for any one to do so, especially when the skins are about the same average size. Old bulls and grey pups can be distinguished from the others, but the sex of a grey pup cannot be told from the skin. . . . The sex of the seal cannot be told by the colour or length of its whiskers."

George Scott.—"I think it is impossible to tell a male's skin from a female's when it has been removed from the carcase."

Charles D. Ladd.—"I have been constantly dealing in fur-seal skins since the year 1885, and consider it is most difficult, if not impossible, to determine the sex of the animal from which undressed skins in the raw state have been taken."

Charles Hartiwen, sixteen years' experience: "I consider it impossible for any expert in skins to infallibly pick out male from female skins after they have been salted and before being dressed, and it is absolutely impossible to select from a large number of salted skins those of the cows that had been carrying pup, and had their pups taken from them after death."

George Wester, thirteen years' experience: "Skins that are in the rough and just taken out of the salt require the most critical scrutiny to tell whether they are males or females, and in my opinion it
39 can then be only a matter of guess-work, except in the case of an old bull. In my opinion it is a matter of impossibility, even with the closest scrutiny, for any expert to say that any skin was the skin of a female that had been large with pup, and from which such pup had been cut."

A. C. Sutherland has been in the sealing business five or six years, and, in addition to hunting, has purchased large quantities of sealskins for shipment, and does not believe it possible for any one to say from which sex skins had been taken.

Norman Hodgson, hunter on "Corwin": "After the skins are salted I consider it impossible to define the sex of the smaller skins up to 3 years. With the old cows and old bulls, of course, an expert can tell, but I consider it quite impossible for *any one* to say, after skins had been salted, that any particular skin was that of one that had been carrying young, and from which the pup had been cut."

XIV.—*References to Distribution of Seals of different Sexes and Ages at Sea.*

John Townsend.—"All kinds of seals travel together."

George Roberts has sometimes shot all males in a band, sometimes all females, but very seldom. As a rule, males and females are together.

J. S. Fanning.—"Generally cows and bulls travel together."

William T. Bragg.—"Males and females travel together, and the yearlings with them."

George Dishow.—"Generally the schools were of all kinds of seals except the 1- and 2-year-olds, which are generally by themselves either ahead or behind."

Otto Buchholz.—"Younger bulls and cows generally together, and the 2-year-old pups together, but sometimes all the ages of both sexes are found together."

James McRae.—"As a rule the males and females go together."

William O'Leary.—"Males and females travel together on the coast, and mixed with them are the yearlings."

F. Campbell.—"Yearlings travel together, sometimes behind the others, but the other seals are, as a rule, mixed together."

Joseph Brown.—"Males and females, as a rule, travel together."

A. R. Bissett.—"Sometimes the seals seem to band together according to age, but in any large school there are to be found both sexes of all ages."

William De Witt.—"The bands are made up of males and females, young and old."

W. G. Goudie.—"The schools are made up of male and female seals, young and old. But there are sometimes small bands of one sex."

J. H. Haake.—"Males and females usually travel together." He has known cases where they travelled separately.

George F. French.—"The bands were made up of both sexes of all ages, except old bulls."

Oscar Scarf has seen males travelling together, and females together; but where the females are the males are not far off.

F. W. Strong.—"These bands of seals contain both sexes and all ages but old bulls." He has very seldom seen small bands of ten or fifteen of one sex.

Andrew Mathison.—"These schools were of all kinds of seals—both sexes, young and old."

William Shields, until 1892, found males and females, including grey pups, travelling together, but in 1892 he found bulls in schools by themselves.

40 *Emil Ramlose.*—"Males and females travel together." Has never seen many yearlings.

Earnest Lorenz.—"Yearlings and 2-year-olds travel mostly by themselves; older males and females together."

Isaac O'Quinn.—"The bunches were made up of all kinds of seals from old bulls to 2-year-olds." Has never seen a large band of seals of one kind.

William Fewings.—"The large seals of both sexes generally travel together."

David Laing.—"Sometimes a band of bulls might be seen together, but, as a rule, the males and females travel together, and with them are mixed the yearlings."

August Reppen.—"The males and females travel together."

Thomas H. Brown.—"Male and female seals travel together, and, as a rule, the yearlings are with them."

Victor Jacobson.—"The large males and females always travel together."

John Christian.—"Sometimes we get among young seals—mostly males—for a day or two, then among cows and bulls mixed."

William Heay.—"Some days I have got mostly cows, others young bulls, but generally find them mixed up, all ages, of both sexes."

H. S. Algar has noticed that when the seals were brought on board the schooner both sexes were together.

Hiram B. Jones.—"Some places we get nearly all males and some places nearly all females, but generally the two sexes are mixed."

Edward Cantillion thinks that males and females go in separate bands sometimes, "but knows that when seals are plentiful the two sexes are mixed together."

Andrew McGarva has noticed that females often travel in separate bodies, but that they travel mixed together as well.

Thomas Garner.—"Males and females travel together, and with them the yearlings."

Captain George Scott.—"On the Californian and Oregon coast the schools are composed of old females and young seals of both sexes, and about Cape Flattery they are joined by the older males."

Milton Scott.—That while in schools the seals are mixed as to sex and age.

C. E. Mockler.—"Seals travel in schools mixed as to age and sex."

Lee J. Thiers.—"We see seals in schools, and they are mixed in sexes and ages."

Adolphe F. Carlson.—"These schools [of seals] are generally mixed as to age and sex."

Frederick Crocker.—"Seals, for the most part, travel in schools, and the sexes are mixed."

William Conners.—"Seals travel in schools, and they are mixed up, males and females, old and young."

P. E. Peterson.—"Seals travel in schools, and they are mixed as to age and sex."

James Ford says that schools of seals are mixed as to age and sex.

James W. Crew.—"Schools are mixed as to age and sex."

W. F. Roland.—"Generally these bands and schools are made up of all ages and both sexes, but now and then I have seen a bunch of all one kind and sex."

Andrew McKeil.—"The schools or bunches were mixed, all ages, of both sexes, except old bulls, were together."

William Petit.—"All ages and sexes travel together."

41 *Abner Sinclair.*—"When in bunches the older males and females are mixed together."

William Edwards.—"I have seen grey pups travelling together, and sometimes females; generally the older seals travel together."

Maurice Edwards.—"Grey pups stay pretty well together; the other ages and both sexes mixed together."

Wallace Christian.—"I have found this year [1892] small bunches of seals of one sex and age."

Thomas O'Leary.—"I found seals of all sexes and ages mixed together."

Henry Sieward.—"As a rule all ages and sexes are mixed together."

S. W. Buckman.—"I think the young males travel together, and that the older ones go with the females."

Frank Moreau.—"Seals are mixed as to age and sex."

Peter Hammel.—"The schools are mixed—old and young, male and female."

XV.—*Statements relating to Raids made upon the Pribyloff Islands.*

Adolphe Ridderbjelke, master of the steam-schooner "Challenge" at the time the raid was made on East Rookery, St. George's Island, gives a full account of the raid in his testimony; of this the following is an abstract:

At about 3 o'clock on the afternoon of the 16th November, 1891, he was close enough to the south side of the island to have been seen had a look-out been kept; the day was bright and clear. He passed the island and returned about midnight; when a mile away from the island a boat was lowered and sent to see whether the coast was clear; it

returned about 1.15 on the morning of the 17th, and three boats with ten men were sent ashore. The schooner steamed in after them until so close that the rocks on the bottom could be seen. The men remained ashore until nearly 7 o'clock; it was then daylight. Frequent attempts were made to get the seals on board, but the swell was so heavy that only thirty-seven were secured, though a great many more were killed. He further says: "I could see the guard-house plainly, but no one appeared, though a tremendous noise was made. The men were continually calling out and shouting; all the vessel's lights were lit during the whole time; no lights were taken ashore, as the night was clear, the moon shining during the early part of the evening." The vessel was then taken round to the other side of the island, and lay at anchor there until 3 o'clock the next day, when two men were seen on a hill-top, and the schooner steamed away.

Captain E. P. Miner says: "I have frequently heard of raids being made on the Pribyloff Islands. In 1881 and 1882 two schooners anchored to the northward of St. Paul Island for nearly the whole summer. They were the 'Otter' and 'Alexander,' vessels owned by Liebes and Co., of San Francisco. The captains of these vessels told me of this themselves. In 1890, in September, the 'C. H. White' made a raid on the islands, and from what I was told by the men on board of her nothing was known on the island of this raid. The 'Edward Webster' raided St. George Island in 1889. The captain told me of this himself, and it is well known in San Francisco."

A. C. Folger says: "It is a very simple matter to make a raid if it is gone about properly. All you have to do is to go quietly to the seals and drive a few of them to one side, and then go back for more when they are killed." He further says: "I more than once made raids on the Pribyloff Islands when I sailed from San Francisco, and know of other vessels having done so. We understood just how to work, and there was no chance of its being known that we had been there. We would go ashore and quietly drive the seals down to the edge of the water, as near the water as possible, so that the tide or waves would wash the blood away. We would have the boats right at the spot, and would take the seals on board as fast as they were killed; we never left anything that would show we had been there, picking up the slightest bit of stick. Two of us, two schooners, lay at anchor 35 miles off St. Paul; we were there six weeks; when it got dark we would run in to North-east Point; we were anchored on the east side. We chose that place because when there was surf on one side of the point there might not be on the other, while the other rookeries could only be approached from one side. We never stayed ashore each time over two or three hours, as we wanted to get out of sight of the island as soon as possible. The people on the island never knew we went there, and don't know to this day. We anchored there once from the middle of June until the cutter left in September, going in whenever the weather suited. We once ran in too near the village, and saw a cutter there and went away again, but we found the coast clear the next night and got about 500 skins. We could see the light at the village. We knew very well the natives did not keep a good watch. We got about 2,000 skins that year off the island."

42 *John Kraft* says: "I was last year on the 'Borealis,' and we were over on the Copper Island side, and landed there in November—at least we tried to land, but the weather was too bad. We then came over to the Pribyloff Islands, and tried to land on St. George, but did not succeed. We then went to the south-west side of St. Paul

Island, and landed there. We got 400 skins. We saw no one ashore, but saw a cutter while we were anchored under a high bluff. It was about 2 miles off, anchored near the village. We went right into the bay there, though we saw the cutter, for we were bound to get seals. We anchored about 10 o'clock, and lowered boats and went ashore. We left about 4 o'clock in the morning. We clubbed the seals, and brought them on board without skinning them. We got away without being seen, and were out of sight of the island before daylight. We then came straight home. Two years ago this coming winter we raided the same rookery in the 'Adèle,' and got 400; we saw neither cutter nor people. we anchored about 9 o'clock, and went away about 6 o'clock in the morning. No one saw us. We then came back; 400 is a fair night's work. The seals are easily got. We drive them to the edge of the water, and kill them there; the tide and waves wash the blood away."

S. L. Beckwith says: "I was mate on the vessel 'Alexander,' belonging to Hermann Liebes, of which Captain Carlson was master. In 1880 or thereabouts I went up in her to Behring Sea, and was one of those who went ashore from her on Otter Island, one of the Pribyloff group, for the purpose of making a raid, and got over 300 skins. I do not remember how many exactly, but all we could find—all there were there."

F. J. Crocker.—"I have also taken part in raiding other islands [besides Robben Reef], but I do not care to give any statement about them without the permission of the owners of the vessels."

John Cole was on steam-schooner "Challenge," and describes the raid made on St. George Island in November 1891.

Robert Hope was also on the "Challenge" at that time, and describes the raid.

XVI.—*Reference of Affidavits relating to the absence of Sealing Vessels from Behring Sea in 1892.*

Charles Le Blanc.
Otto Buchholz.
William G. Goudie.
E. P. Miner.
Charles Campbell.
Thomas H. Brown.
Edward Cantillion.
Thomas Garner.
George Scott.
George Wester.
Charles Lutjens.
Charles Hartiwen.
Milton Scott.
John Worth.
William Hermann.
John Figuera.
Lee J. Thiers.
Adolphe F. Carlson.
P. E. Petersen.
P. Carlson.

43 AFFIDAVITS OF SEALERS AND LOGS OF SEALING-VESSELS.

I.—TESTIMONY RELATING TO PELAGIC SEALING.

Declaration of William Petit.

I, William Petit, of the city of Victoria, at present captain of the steam schooner "Mischief," declare:

That I have been sealing for seven seasons. I generally carry Indian hunters. They lose practically no seals, whether they use a gun or spear. They use the spear when they get close enough. Every year seals are shot from the schooner, and they are almost always got. There is time to unlash and lower a canoe before they sink. I left Vancouver Island—Quatero Sound—on the 16th April, and found a few seals from the first. I cruized from there to Middleton Island, keeping from 30 to 300 miles off shore, and found the seals as plentiful this year as last year, but they were much harder to get. I have never seen seals in schools. All ages and sexes travel together. I have not got more than 130 cows out of about 660 seals I have taken this year. I have seen seals opened, and find in them salmon, cod, and sometimes squid. Among the females taken this year were a good many barren females. The last day's catch was four barren females and four males. In former years I have taken females in milk between Kadiak and Sitka; none this year. I have seen seals in the North Pacific Ocean between Unimak Pass and Queen Charlotte Islands in September; one year a good many. Last year I saw some in August; these seals had not been to Behring Sea. A single seal is easier got at than when several are together, as then one at least is almost sure to be awake, and will give warning to the others. Three years ago a young seal that appeared to be not more than a week old was speared by one of my hunters on the Portlock Bank, about 50 or 60 miles from land. This was in June. In Behring Sea I have seen seals cohabiting in the water; both seals would be "straight up and down" in the water, holding one another with their flippers. Among the "grey pups" we take I have never found a female. I have been examining them for five or six years, and have never found a female.

(Signed) WM. PETIT.

PORT ETCHES, *June 16, 1892.*

Declaration of Abner Sinclair.

I, Abner Sinclair, of the city of Victoria, now a hunter on the "Ocean Belle," declare:

That this is my first year as a seal-hunter. Was out last year as a boat-puller.

This year I killed eighty-six seals and lost one of them. I think I wounded about eight or nine that got away, not more than that. I don't think any of them were badly enough wounded to die. A sleeping seal will float a good while as a rule; if a travelling seal is killed at once it will sink pretty quickly, and there is no time to be lost in gaffing him. I shoot at a sleeping seal when 12 or 15 yards away; if they appear a little uneasy I shoot when they are farther away. About half the seals I got were males; a few more than half perhaps. I noticed two barren females among those I got. I found seals in bunches of from five to twenty more than singly. They are harder to get when they are in bunches. I have noticed that the grey pups travel alone as a rule, but sometimes with the females. When in bunches the older males and females are mixed together. I did not notice any difference in the number of seals this year and last, and they did not appear harder to get. Seals eat cod, salmon, and squid; more squid than either of the others from what I have seen.

(Signed) ABNER SINCLAIR.

PORT ETCHES, *June 17, 1892.*

Declaration of William Edwards.

I, William Edwards, of the city of Victoria, now a hunter on the "Ocean Belle," declare:

That I have been sealing two years; was on the "Ocean Belle" last year.

This year I have killed 142 seals, and got 138 of them; 4 sunk. About the same percentage was lost by me last year. If a seal is wounded, but not badly enough for us to get it, I don't think it will die. I shoot at a sleeping seal when 10 or 12 yards from it. If a seal is travelling I would shoot at it when about 60 yards away. If a "breeching" seal is shot he will generally come up dead. Some seals float a long time, others sink almost at once, but very seldom so fast that we cannot get them. There were about as many males as females among those I got; there were very few barren females. I have seen the stomachs of seals opened, and find that they eat various kinds of fish and squid, more squid than any other kind of food. Last year I went over to the Russian side of Behring Sea; we saw a few seals all the way across. There seems to be more seals this year than last year. Seals are more difficult to get when two or three are together than when one is alone; one is generally on the look-out. I have seen gray pups travelling together, and sometimes females. Generally the older seals travel together. Seals were found most abundant by me this year off Cross Sound.

44

(Signed) WILLIAM EDWARDS.

PORT ETCHES, *June 17, 1892.*

Declaration of Maurice Edwards.

I, Maurice Edwards, of the city of Victoria, now a hunter on the "Ocean Belle," declare:

That this is my second year as a seal-hunter; was on the "Ocean Belle" last year.

I have killed 152 seals this year, and of these I lost only 2, securing 150. They were about half males and half females. No barren females were taken by me. Not more than three or four were wounded by me that got away; if they are wounded we generally get them. Some seals float a long time; if they float more than five minutes or so, they will stay up an indefinite time. No matter how quickly a seal may sink, it can as a rule be got. The two I lost were when I shot two, and left the first while I shot the second. I shoot at a sleeping seal when about 15 yards away; a travelling seal I would seldom shoot at when more than 50 or 60 yards away. Seals were found most abundant by me off Cross Sound this year. I found seals in bunches more than singly this year; it is very much harder to get at them when they are that way. Grey pups stay pretty well together, the other ages and both sexes mixed together. From this out we will get more males than females, as the females will be going to the breeding-islands. Seals eat salmon, cod, and squid. I have found squid in them all the way up along the coast and in Behring Sea as well.

I went over to the Russian side of Behring Sea last year, and saw a few scattered seals all the way across. I have found the seals to be more plentiful this year, but they are harder to get.

(Signed) MAURICE EDWARDS.

PORT ETCHES, *June 17, 1892.*

Declaration of George F. French.

I, George F. French, of the city of San Francisco, now a hunter on the sealing-schooner "City of San Diego," declare:

That I have been sealing three years.

The percentage of seals that are killed and lost is about 5 in 100, I think. This year I killed 143, and have lost 3 only. It is easy to tell when a seal is badly wounded, and I do not think that many are wounded and afterwards die. If a seal is badly wounded, we are almost certain to get it. It is easy to tell when a seal has been wounded by the blood in the water; a few drops will colour the water for a long distance around. I shoot at a sleeping seal when within about 25 feet of it. If a seal is lively, I would shoot at it when 50 yards away, but not farther. I would then be almost certain to get it.

Seals are seldom lost when shot with a gun, and rifles are now seldom used. Unless a seal sinks at once it will float for a long time—until a hole is picked in it. A seal that is going to sink will not float more than half a minute, but there are not many seals that are shot so that they sink at once.

I have seen seals in bunches of 20 or 25, and have noticed that, while the sexes are generally mixed together, seals of one size are sometimes found travelling together. This is especially true of yearlings. It is difficult to get a seal if several are together, and if I got one out of six that were together I would think myself lucky. Seals are beginning to understand what a boat is, and keep away from it. Seals feed on squid principally, but I have seen them with a fish like a mackerel, and once with cod, never with salmon. They will eat any kind of fish, I suppose, but squid seems to be their favourite food both on the Alaskan coast and on the Russian side.

Out of the 143 seals taken by me this year, between 30 and 40 were barren. Not more than 60 of the seals taken by me this year were

females; more than half were barren cows. I have been examining all the seals taken by me this year.

I think the percentage of cows to bulls and of barren cows to those in pup was about the same during the past two years as it was this year.

I have seen a few females—a very few—in milk south of the Aleutian Islands; never saw a young pup. I don't think that cows go farther than 40 miles from Pribyloff Islands for food, probably not 30. I found a few seals all the way across from the Pribyloff Islands to Copper Island two years ago, but not many, and on the way home we saw them here and there all the way from Attu Island to San Francisco.

Last year I entered the Sea by the 172nd Pass, and again found a few seals all the way to Copper Island. Coming home we went to Victoria from Attu, and found a few seals all the way. I believe that seals go from one side of the Behring Sea to the other, as some years when seals are very abundant on the Alaskan side, and a large catch would be expected in Behring Sea, it would not be made, and it would be found that a great many seals would be taken on the Russian side, although there had not been more than usual on the coast there.

I learned from a hunter on the "Theresa" last year that a large band of seals had been met with 280 miles north-east from Copper Island, travelling towards Copper Island. This was in the early part of July. Two different hunters—W. F. Upson and George Ball, of San Francisco—have told me that about fifteen years ago they had seen seals hauled out on Attu Island. They were then hunting sea-otter.

Seals are very much more abundant this year than ever before, and are of a larger and better class. I have seen twice as many this year as in previous years.

I have seen seals cohabiting in the water, the male on top of the female, she being almost out of sight, sometimes quite so. I saw this this year as early as the last week in May.

Seals are very much harder to get now than formerly; if three or more are together, one is always on the watch, and all will probably get away.

(Signed) GEO. F. FRENCH.

PORT ETCHES, *June 17, 1892.*

Declaration of Wallace M. Christian.

I, Wallace M. Christian, of the city of Victoria, now a hunter on the "Ocean Belle," declare that this is my first year's experience as a sealer.

I have this year killed seventy-three seals, and of these lost one. I don't think that I wounded more than three or four that I did not get. One or two of these might have been badly enough wounded to die.

I shoot at a sleeping seal when 15 or 20 yards away, and at a travelling one when about 60 or 70 yards away. When a seal is instantly killed it will sink at once, but out of those I got I had only to gaff two to keep them from sinking. Saw no barren females among those I killed. Found seals in bunches of from three to eight or ten; they are harder to get when that way than when alone.

I have opened seals' stomachs and find more with squid in their stomachs than any other kind of fish. I have seen salmon and cod in

them. I have found this year small bunches of seals of one sex and age, sometimes grey pups, sometimes females, or bulls.

(Signed) WALLACE M. CHRISTIAN.

PORT ETCHES, *June 17, 1892.*

Declaration of Captain E. C. Le Blanc.

I, E. C. Le Blanc, at present captain of the "City of San Diego," a sealing-schooner, sailing under the United States flag, declare:

That this is the first year I have been engaged in sealing.

I sailed from Victoria on the 11th day of February, and cruized as far south as latitude 45° 40′, where I found seals very plentiful, but the weather was too rough to put out boats. We worked from there slowly northward to Cape Cook. When we first left Victoria we took a few seals off Cape Flattery. We found Cape Cook about 20th March. We found a good many seal all along Vancouver Island, but they were most abundant off Cape Cook. Our best spring catch was made at this time. We cruized north from there, keeping from 30 to 80 miles from shore. We have been as far west as longitude 150°. On Fairweather grounds, where Pamplona Rocks are marked on the Chart, we made our best catch. We have now 558 skins; 89 of them were of the spring catch.

On the way up about a dozen seals were shot from the schooner. To get there a boat had always to be lowered. Only one was lost. Off Mount St. Elias we passed through a band of seals about 30 miles across, but none were got. The sea was too rough to let a boat be lowered. Later on four boats were out for an hour, and 13 seals were got. On 1st May, off Sitka, we took 58 seals in one day. Out of these there were 54 bulls.

(Signed) E. C. LE BLANC.

PORT ETCHES, *June 17, 1892.*

Declaration of Peter Jolibis.

I, Peter Jolibis, of the city of Victoria, now a hunter on the sealing-schooner "City of San Diego," declare:

That I have been sealing for three years, last year and the year before in the "Pioneer." There seem to be as many or more seals this year as other years. I have so far taken 129 seals. In getting these I killed and lost four seals. Very few wounded seals escape and die, for if at all badly wounded we are sure to get them. When a seal is shot we always chase it, and if it is bleeding it soon tires out and is easily got. I shoot at a sleeping seal, when there is a little sea on, when I am from 4 to 20 feet away. If it is perfectly calm, when 20 yards away sometimes. We shoot at a seal that is awake and lively when we are about 30 or 40 yards away. A seal will sometimes float for hours, and sometimes will go down almost at once, but there is almost always time to get up to them. I never but once have seen a large band of
46 seals together. That was on the Fairweather grounds, and we were three or four hours in going through them. It was blowing hard, and we got none of them. Grey pups often travel together, but I have always seen the other kinds of seals mixed together.

Out of my catch this year there are many more males than females. I have only taken a few barren cows this year, but I killed two cows in

milk, without pups. I never saw this before. I have not killed more than thirty females. I don't notice any difference in the proportion of males to females along the coast, but we get more females in Behring Sea than we do outside, I think. I have opened seals' stomachs, and have found in them several different kinds of fish and squid. Last year, in September, we saw seals outside Behring Sea as we returned to Victoria, and a few the year before. When seals are in bunches of four or more it is very hard to get any of them, as one is generally on the watch.

(Signed) PETER JOLIBIS.

PORT ETCHES, *June 17, 1892.*

Declaration of Thomas O'Leary.

I, Thomas O'Leary, of the city of Victoria, now captain of the sealing-schooner "Ocean Belle," declare:

That this is the second year I have been engaged in sealing. I was in the "Ocean Belle" last year as a hunter. Out of 240 seals I killed last year 10 sank and were lost. This year, out of 139 seals I killed, I lost 5. Last year not over 15 were wounded that got away, this year not more than 7. When a sleeping seal is killed instantly he will float an indefinite time. When a seal is standing straight in the water, and is killed at once, he is apt to sink quickly. We never shoot unless we are pretty sure of getting them. A good many seals each season are shot from the schooner, but they are never shot at unless we are almost certain of getting them, and one is seldom lost. I shoot at a sleeping seal when from 6 to 10 yards from it. I would not shoot at a travelling seal when more than 50 yards from it. I think that there were more females than males in my catch, both this year and last year. I have not noticed barren cows amongst those I have taken.

We left Victoria 27th January, and cruized as far south as Cape Mendicino. We found a few seals there about the 10th of February. We then cruized to the north to Cape Cook, not finding many seals. The most I saw was off Barclay Sound. I reached Cape Cook about 1st March. I then went back to Clayoquot, sealing on the way. Reached there 21st March, having seen only a few seals. I cruized north from there, keeping from 20 to 80 miles from shore. I first found the seals plentiful off Sitka, 29th April. I sealed there for a week, and then went north to Cross Sound, getting some seals all the time. Off Mount Fairweather the seals were very plentiful, but they were in bands of from five to twenty, and it was hard to get any of them. This was in the middle of May. I worked then to Portlock Bank, which was the furthest west I was. No seals were found there. I then came towards Middleton Island, and found the seals pretty plentiful about 60 miles south-west of that place. I then came here. I have taken 815 seals so far. I did not find seals in bunches except at the place mentioned above. I found seals of all ages and sexes mixed up together. Squid is the principal food of the seals we take, but they eat all kinds of fish they can get.

I went across to the Russian side of Behring Sea last year. We found a few seals nearly all the way across. We saw no seals on the return trip to Victoria across the North Pacific.

Seals are more plentiful this year than last, as far as I have seen.

(Signed) THOMAS O'LEARY.

PORT ETCHES, *June 18, 1892.*

Declaration of Luke McGrath.

I, Luke McGrath, of the city of Victoria, now a hunter in the "Dora Diewind," a sealing-schooner, declare:

That I have been sealing two seasons. Last year I was on the "Ocean Belle." I killed 193 seals that I was sure of, and wounded not more than 20 others. Of the 193 I secured 191. I got more in Behring Sea than outside of the Sea. More than half of my catch were females. Seals will float as a rule a much longer time than it will take to get to them. There was only one of the 193 I killed last year that was sinking when I got to it. This year I have killed 18 seals, and did not sink any of them. Seals were very wild this year, and I shot at them at long range. I think I wounded 10, but don't think that any of them would die. I have found that seals eat salmon principally along the coast, but squid principally in Behring Sea; cod also. Last year I noticed a good many barren cows among those taken, but not any this year. For the time we have been out I saw many more seals this year than last, but they are much harder to get at. Seals are much harder to get when they are in bunches than when alone. I never saw seals cohabiting in Behring Sea, but about the middle of May this year saw a male and female standing up in the water with their flippers around one another, and I suppose that they were cohabiting.

(Signed) LUKE MCGRATH.

PORT ETCHES, *June 18, 1892.*

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47 *Declaration of Captain Henry F. Sieward.*

I, Henry F. Sieward, of the city of Victoria, now captain of the "Dora Sieward," a sealing schooner, declare:

That I first engaged in sealing in the year 1888—I was then captain of the "Araunah"—in 1889 and 1890 on the "Walter L. Rich" and "Ocean Belle," and last year on the "Geneva."

I hunt myself, and from my experience I would say that from 4 to 6 per cent. of the seals killed sink and are lost. The percentage of seals that are wounded and escape is very small. I make a rule of never permitting a seal to be shot at from the schooner unless we are certain to get it, so that none shot in that way are ever lost. It takes three or four minutes to lower a boat, but the seals float long enough to allow us to get them. Most of the seals caught are sleepers, and are caught when from 15 to 25 yards. They are very seldom lost.

I left Victoria about the 5th May, and cruized as far south as Quillnite River. Not many seals were found off Cape Flattery. I then cruized north, keeping as a rule from 15 to 100 miles from the coast. I found the seals abundant first about the 23rd May off Mount Fairweather. I remained on the Fairweather grounds until the 1st June, when the seals became scarce. My best catch was made there. I then went west as far as Portlock Bank, but did not find many seals.

Seals travel a good deal in bunches of from five to twenty. They are harder to get when in bunches. As a rule all ages and sexes are mixed together. I have never kept an account by which I could say anything of the proportion of males and females in my catch.

Squid seems to be the favourite food of seals, but they eat any fish they can get.

I only noticed one or two barren females in my catch, but there may have been more. I have got seals in milk in Behring Sea 120 miles

west of the Pribyloff Islands. I went across to the Russian side of Behring Sea last year. I did not see seals often after I passed longitude 174° except one 5 or 6 miles off Attu. This was about the 19th July. On the return trip to Victoria I saw no seals.

Seals are as plentiful this year as I have ever seen them, and not harder to get, I think. My hunters are all green hands, but do not lose more than the per cent. given above.

(Signed) H. F. SIEWARD.

PORT ETCHES, *June 18, 1892.*

Declaration of Captain C. F. Dillon.

I, C. F. Dillon, at present captain of the sealing-schooner "Minnie," declare:

That I have been sealing every season since 1885, including that year. My first two voyages were on the "Mary Ellen" and another, part of the next year in the "Rustler," then on the "Dolphin," then hunter and mate on the "Walter L. Rich," mate and hunter in 1889 in the "Sylvia Handy," in 1890 in the "Penelope," and since then master of the "Minnie."

I have been out with hunters who use spears and those who use guns. No seals are lost when speared, and from the whole of my experience I would estimate that not more than 5 per cent. of the seals that are shot and killed are lost. I never kept an exact count until this year and last year. Last year I killed about thirty seals, and this year seventeen, and lost none. We shoot at sleeping seals when they are about 12 yards away, and at travelling seals all the way up to 75 or 100 yards if a rifle is used. Even at that distance the seal is generally got. If it is going to sink it will sink at once. I have shot as many as five seals before picking them up, and all floated. Seals float all the way from a few seconds up to an indefinite time. I sealed for the first time this year about 60 miles south-west of Cape Flattery about the 20th April, and got five seals; after that I put into Barclay Sound, where I remained two days. I then went north to Queen Charlotte Islands, lowering canoes twice off Cape Cook, where forty seals were got. I had an Indian crew this year. Seals were found to be scarce along Queen Charlotte Island. I was there about the 10th May. I then went north, hunting two days off Sitka, where seals were scarce also. I got thirteen one day and fifteen another. From that place I kept north until off Mount St. Elias, where seals were found pretty plentiful. My best catch was made there. The seals were travelling to the westward very fast, and were very wild. Between these hunting-grounds and this place a few seals were got, but not many. I have taken 470 seals so far.

When among the main body of the seals they are generally found in bunches of from two or three to twenty. They are a great deal harder to get when in bunches than when they are alone. Formerly, when seals were found in bunches they could be approached, and one at least, and sometimes more, could be got; now it is almost impossible to get any.

Early in the season the sexes keep separate, and the majority are bulls; later on they are nearly all females. Grey pups generally travel together.

I have opened seals and found in them nearly all kinds of fish that are found on this coast, including squid and small devilfish.

This year I have taken more females than males; about three-fifths of my catch were females. One year I hunted off Kadiak, and was there before the seals. I found that the male came first. There were a great many barren cows among the last seals I took this season. I have killed cows in milk at least 90 miles from the Pribyloff Islands. In 1888 I came south from Behring Sea about longitude 175° west, and caught seals there. This was in the latter part of August. In 1886, late in August, we killed seals 30 or 40 miles south of 172nd Pass, between Unimak Pass and Saanak Island. In 1887 I saw seals quite abundant the latter part of July. In 1889 we got seals about
48 Kadaik, off and on, all summer. In 1890, late in August, I killed a sleeping seal off the Shumagin Islands, and saw others.

I don't think that seals are getting any scarcer, at least at sea, but they are getting wilder. Last year, in Behring Sea, seals were as plentiful as I have ever seen them.

I have seen seals cohabiting in the water in Behring Sea; the male would cover the female, who would be kept under the water for some time.

(Signed) C. F. DILLON.

PORT ETCHES, *June 17, 1892.*

Declaration of Ralph Starrat.

I, Ralph Starrat, of the city of Victoria, now a hunter on the sealing-schooner "Oscar and Hattie," declare that I have been out as a hunter three years.

I got 111 seals this year, and sank 3 or 4. Besides these, I wounded 25 or 30; of these, I don't know how many would be likely to die. I shoot at a sleeping seal when about 15 yards from it, and never at a travelling seal when more than 50 yards away. Three years ago, off the Columbia River, I saw a school of seals with a hundred or so of seals in it. It was a fine day, but it was not possible to get near them. There are more cows than males among the seals. Yearlings generally travel alone behind the other seals. The principal food of the seal along the coast is salmon, but they eat any kind of fish. I got this year two female seals that were barren. They were about 2 years old.

I have seen a very few seals in the autumn in the ocean between the Aleutian Islands and Vancouver Island. Seals are harder to get when in bunches than when one is alone.

(Signed) RALPH STARRAT.

UNALASKA, *September 13, 1892.*

Declaration of James McRae.

I, James McRae, of the city of Victoria, now a hunter in the schooner "Oscar and Hattie," declare that I have been seal-hunting two years, one year as a boat-steerer and one year as a hunter.

I killed 69 seals this year, of which 3 sank—there was only one that I had to reach down for with the gaff. The hunter in the boat I steered last year killed 229 seals, of which 15 sank. It is very seldom that a seal will sink before it can be got to. In April and May last year, we saw a great many seals all along the coast and on the Fair-

weather Grounds in schools of from 10 to 20. As a rule the males and females go together—the yearlings are always found following up a large band of seals. Codfish, salmon, and squid are the principal food of the seals. I have killed females that had no pups, they are generally 2 years old and travel with the young seals, but I have seen a few older females that were barren. We saw three or four seals south of the Aleutian Islands last year in the early part of September as we returned from Copper Island. We saw a few seals the day after we went through Four Mountain Pass last year, but none then until we were near Copper Island. Seals were no harder to get this year than last season so far as I know. Seals are much harder to get when several are together than when they go singly. We found fewer seals this year than last.

(Signed) JAMES MCRAE.

UNALASKA, *September 13, 1892.*

Declaration of A. S. Campbell.

I, A. S. Campbell, of the city of Victoria, now a seal-hunter on the schooner "Oscar and Hattie," declare that I have been seal-hunting three years—in 1888, 1889, and this year.

I killed 43 or 45 seals, and got 35 of them; the others sank, but more than half-a-dozen got away wounded. I have known seals that were shot from a schooner to float from fifteen minutes to half-an-hour. Nearly all the seals I have taken on the coast were females. I have seen one or two females in milk off Cape St. Elias. In Behring Sea I found the seals about equally divided. Seals did not seem more this year than in other years. Seals are harder to get when in bunches than when alone. I once saw seals cohabiting about 50 (60) miles from the islands; the female was killed. It was not a barren cow, but had milk in its breasts. The two seals were upright in the water with their flippers about one another, and had been in this position about five minutes when I fired at them. The male gave two or three lunges before he could free himself from the cow. The men in the boat with me were sure that the seals were cohabiting, and one of them said he had seen the same thing before in the same way.

(Signed) A. S. CAMPBELL.

UNALASKA, *September 13, 1892.*

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49 *Declaration of William Cowie.*

I, William Cowie, now a hunter on the sealing-schooner "Oscar and Hattie," declare that I have been sealing two years—one year as a boat-steerer, and this year as a hunter. I killed 106 seals this year, of which 3 sank; the others I secured. I did not wound more than 10 or 15 that got away, and of these very few would die. Seals nearly always float long enough to allow one to reach them; the gaff had to be used only twice to keep seals from sinking. I shoot at a sleeping seal when from 10 to 20 yards from it, and at a "traveller" never when it is more than 40 yards away. I have found codfish in seals, but never looked particularly at what was in their stomachs. I got a few barren females this year—they were all about 2 years old—off Cross Sound. I saw

one band of seals this year with about fifteen in it. I could not get near enough to see whether they were all of one size. The seals I got this year were mostly females.

On the way home last year I saw a few seals in mid-ocean in September. Seals on the coast were more difficult to get at this year than last year, but they were no wilder on the Russian side. Seals are harder to get when several are together than when one is alone; when together one is generally awake. I saw fewer seals this year than last year.

(Signed) WILLIAM COWIE.

UNALASKA, *September 13, 1892.*

Declaration of Frank Campbell.

I, Frank Campbell, of the village of Esquimault, now a hunter on the sealing-schooner "Oscar and Hattie," declare that I have been sealing five years—three years as a boat-puller and steerer, and two years as a hunter. This year I have killed 65 seals, 64 of which I got—one sank. Not more than 30 were wounded; not more than half of these were badly enough wounded to die. Seals will float on an average from five to ten minutes, sometimes much longer, and sometimes a shorter time.

I shoot at a sleeping seal when 10 to 15 yards from it, and at a "traveller" never when more than 50 to 60 yards from it. We were late starting out, and did not find the seals very abundant anywhere.

Three years ago I found the seals travelling in schools along the coast, but not this year nor last year.

Yearlings travel together sometimes behind the others, but the other seals are as a rule mixed together. I find that seals eat every kind of fish and squid.

I got this year more females than males—more females this year than last year. Among the seals I got this year were 20 or 25 barren females.

We went west this season in July, but saw no seals until we were near the Russian islands. On the way back we saw 3 or 4 seals about 100 miles west of this. I found the seals scarcer this year than last, but no harder to get at. It is much easier to get a single seal than it is to get one when there are several together.

Last year, when off Mount St. Elias, about 15th June, I saw two seals cohabiting.

(Signed) F. CAMPBELL.

UNALASKA, *September 14, 1892.*

Declaration of Joseph Brown.

I, Joseph Brown, of the city of Victoria, now a hunter on the sealing schooner "Oscar and Hattie," declare that I have been sealing six years, but only this year as a hunter.

I have killed this year 91 seals, one of which sank: the others I got. I wounded 20 or 25 that got away; of these not more than half-a-dozen would die, I think. Seals float various lengths of time; I have often killed one when two were together, and then followed and killed another before picking up the first. At sleeping seal I shoot when 15 or 20

yards from them; at "travelling" seals never more than 40 yards. Six years ago I saw a school of 60 or 70 close together. I saw more seals off Cape St. Elias this year than anywhere else. I have found fewer seals this year than I saw last year. Males and females as a rule travel together, but single seals are more often females. I got more females than males this year. On the west coast I found the seals to eat salmon and squid as a rule. Among the seals I took this year were two or three barren females.

When hunting off Kadiak five years ago I saw females in milk in May. They had dropped their pups somewhere—on Kadiak, I suppose. I have taken seals as far west as the Four Mountain Pass. Last year, about the 12th July, I saw young seals playing about there. In 1890 we killed a seal in mid-ocean when returning to Victoria in September on the "E. B. Marvin," and in November of the same year, when on the "Triumph," I saw four seals 300 or 400 miles off Queen Charlotte Islands.

Seals were harder to get at this year than I ever saw them before. A seal is harder to get when several are together than when one is alone. A man seldom gets two now. The seals are learning what a boat is now, and will not wait to be shot.

I have seen seal cohabiting in Behring Sea; once I shot two
50 cohabiting, and shot the cow first, and afterwards the bull. The cow was a young cow that had never had a young one. I would take an affidavit to that effect if in Victoria. Many seal-hunters have told me that they had seen the same thing.

(Signed) JOSEPH BROWN.

UNALASKA, *September 13, 1892.*

Declaration of John Townsend.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, John Townsend, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly and sincerely state and declare as follows:

1. That I have been engaged in seal-hunting for the past three years.
2. In the year 1890 I was mate on the schooner "Maggie Mac," and went out seal-hunting in the stern boat. I killed during that year between sixty and seventy seals, and do not remember losing any of them.
3. In the year 1891 I was engaged as hunter on board the schooner "Viva," and secured 270 seals, and only lost about 10 during the whole season.
4. During the present year I was on board the schooner "Mary Taylor," and secured 172 seals, and only lost 3 by sinking during the entire season.
5. There are very few seals shot at and badly enough wounded to die that are not secured.
6. I never lost a sleeping seal that I had killed, and it is very seldom that a seal will sink.
7. I shoot at a sleeping seal when about 15 yards away from it.
8. I have killed a travelling seal when 60 yards away, but I seldom shoot at a seal when that distance away.
9. We found seals most plentiful this year about the 10th May, off Mount Fairweather.

10. All kinds of seals travel together, but I never saw a school of seals of one age or sex.

11. I have often seen seals in schools, but never to such an extent as this year. I account for this by the fact that I saw a great many more seals this year than on any previous year both along the coast and in Behring Sea.

12. Both on the coast and in Behring Sea I secured about as many female seals as male seals.

13. Last year we were for a few days a-head of the seals, and before going back we killed about 150 male seals without seeing one female.

14. We secured as good a price for seal-skins taken in August as we did for those taken in the spring. I never heard that the fur was not so good in the summer.

15. It is much easier to secure seals when they are alone than when they are in bunches.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN TOWNSEND.

Signed and declared by the said John Townsend before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Charles J. Harris.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Charles J. Harris, of the city of Victoria, in the Province of British Columbia, master mariner do solemnly and sincerely state and declare as follows:

1. That some time last winter I appeared before Mr. Milne, the Collector of Customs for the port of Victoria, British Columbia, and at his request gave him my ideas concerning certain facts connected with seal life.

2. That I sailed on a sealing and fishing voyage to the North Pacific Ocean this year as master of the schooner "Mary Taylor," going first as far south as Cape Blanco, and then keeping with the seals as much as possible until we arrived at Kadiak Island.

3. That I have been out in sealing-vessels for four years, each year being on a good vessel, and having good hunters on board. That during that period the vessels that I was on board did as well or better than the average vessel.

4. This year I saw a great many more seals than ever before, and this was the experience of nearly every sealer with whom I have spoken.

5. That the total catch of the schooner "Mary Taylor" for the present year was 942 seals, and more than one-half of which were males.

51 6. We secured quite a number of barren cows this year; by a barren cow I mean a female seal that has no young one in her womb.

7. I have every year found seals in schools; they are frequently seen in schools off the Columbia River.

8. It is much more difficult to take seals when a number of them are together in this way or near one another, as one seal is sure to give the alarm to the others.

9. I found them more in schools this year than ever before. I account for this by saying that the seals, being hunted more now, lie single on the water much less than they formerly did, as when a seal is frightened by the report of a gun and starts away, he will startle all he passes and they will join him.

10. That in August 1890 I saw seals about 300 miles from Kadiak, and in August 1891 I saw seals about 250 miles from Kadiak.

11. That I have seen seals as far south as Queen Charlotte Islands in August.

12. I think the seals were wilder this year than last.

13. I have frequently examined seals closely, and frequently noticed that male seals have small teats; even a bull 2 years old will have them.

14. I make a point of cutting open seals as I want to see whether or not I am on feeding grounds. In doing this I have seen the teats without having to move the fur.

15. I have been out sealing with Indians who carried both guns and spears.

16. I have, when in Behring Sea, seen seals cohabiting in the water, and know a hunter who shot both male and female.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES J. HARRIS.

Signed and declared by the said Charles J. Harris before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Charles Le Blanc.

CANADA, *Province of British Columbia, City of Victoria,*

I, Charles Le Blanc, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare:

1. That I have been out on sealing-vessels on the North Pacific Ocean five seasons, two of which I was in the Behring Sea. The first year, 1888, I was a boat-steerer on the "Maggie Mac;" in 1839, on the "Mary Ellen" as mate; in 1890, on the "Henry Dennis" as boat-steerer; in 1891, on the "Carmolite" as mate; and in 1892, on the "Annie E. Paint" as a hunter.

2. This year we got 200 seals, and I lost by sinking 4. I remember this distinctly.

3. In the five years I have been sealing I have been with twenty-five different hunters, and I do not remember of any of them losing in this way more than 4 or 5 in a 100. It is always the excuse of a poor hunter that the seals he shot sank, but as a boat-steerer I know better. Poor hunters miss the seals they fire at much more often then they lose them by sinking.

4. That every year I have been out I have seen schools of seals on the coast from off Cape Blanco northward. It is poor hunting when the seals are in schools—most of them are awake, and those asleep are soon awakened when a boat comes around, and the whole school gets away.

5. This year I got more females than males on the coast, and on the Asiatic side about equal numbers of each. More than half of the females I got on the coast were with young. On the Asiatic side from one-quarter to one-half the females I got were in milk. I got a good many barren cows this year both on the coast and on the Asiatic side.

6. I know of no schooners being in Behring Sea on the eastern side this year, except those reported seized.

7. That the "Annie E. Paint" left the sealing grounds off the Commander Islands about the 21st September, and arrived at Victoria on the 15th October instant. I saw seals every day of the voyage over. We sailed about 100 miles south of the nearest land on the Aleutian Islands.

8. That I have never noticed or detected any difference in the seals on the two sides of the North Pacific or Behring Sea. I believe them to be identical.

9. That I saw more seals this year on the coast, both in bands and scattered, than in any former year I was out.

10. That on three or four different occasions I saw seals cohabiting in the water. The male was on top of the female, and hunters I was with have killed them in the act, getting both male and female once, and the males at other times.

11. That I saw seals this year in greatest numbers off the Pamplona Rocks, and in much larger numbers there than in any former year.

52 And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHAS. LE BLANC.

Subscribed and declared by the said Charles Le Blanc before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Captain Abel Douglas.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Captain Abel Douglas, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That I have for the past eight years been engaged in the sealing business, three years as a hunter, and five years as captain and hunter, for I make a point of going out in a boat myself so that I may see that the seals are as represented by the men. I have always been counted a good shot, and that is the way I came to go seal hunting.

2. I was captain of the "Triumph" for three years, and was on the "May Belle" as master, and this year was master of the "Arictis."

3. Five years ago in Behring Sea I took more than 160 skins, and did

not lose any by sinking. The following year I kept count of the seals I lost. I got 460 skins and lost 11. Three seasons ago I took about 300 skins and lost 8. I do not remember the figures for last year, but think I got about 260. I lost only one on the coast, but don't remember how many in Behring Sea. This year I got 147, and lost 4 seals by sinking. A seal that is badly wounded is almost certain to be got. Out of all the seals I have killed, I remember of only one shot sleeping and sinking, and nearly all the seals we get are sleeping seals. Seals are much wilder than they were before. When we first commenced hunting seals we used to sail up near them, but now we have to lower the sail as soon as we see them and row towards them.

4. This year I had part Indians and part white men.

5. It will be impossible to exterminate the seals by hunting them at sea, or lessen their number, for they are getting wilder all the time, and more difficult to get. The past two years I have seen as many seals as I ever saw—as many as there were twelve years ago.

6. My Indians this year used guns, but those I was with in former years used spears. Now that they have guns they prefer them.

7. I shoot at a sleeping seal when 40 or 50 feet away from it.

8. I have seen seals in schools south of Cape Flattery, as well as farther north, but it is almost impossible to get any of them.

9. When we first began hunting we took more females than males, but now we get more males. The last two years we have taken a great many young males from 2 to 4 years old; the females now seem to stay farther out at sea than they did.

10. I have been four seasons in Behring Sea. Last year the seals were about equally divided there, but before that they were, I think, more females than males. I have seen a great many barren females.

11. I have gone into Behring Sea through the 172nd Pass and seen seals there, both inside and outside the pass. I believe these seals go the Russian islands, and had evidence of this last year, for we saw seals away to the westward of the 172nd Pass. There is no difference that I can see in the seals that go to the two groups of islands, unless it is that the seals on the Russian side are a little darker in colour.

12. I have noticed that male seals have teats, but don't know that they all have. I have noticed it in young seals.

13. I have often seen seals cohabiting in the water. The bull gets on top of the cow, and she of course sinks, but her nose sticks out. I have watched them in this position from five to ten minutes. I have killed both the male and female often; they are very easy to get when they are doing this. I try to kill the female first, and wait until she rises out of the water as they bob up and down. The male will stop about when the female was shot. At ordinary times, if we shoot one of two seals, the other makes off.

14. If there were soundings I could depend upon, I would never have difficulty in telling my position when in Behring Sea, no matter how thick the fog was. There would be no danger of drifting near the islands, for we could anchor in 150 fathoms. I have, when in a sealing schooner, anchored in 110 fathoms.

15. I have carefully read the statements written down in this declaration, and declare that they are all true; that I have received no consideration for having made them, and that there is nothing further I wish to say, or that I would like inserted in this declaration.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ABEL DOUGLAS.

53 Subscribed and declared by the said Abel Douglas before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of George Roberts.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, George Roberts, of the city of Victoria, in the Province of British Columbia, seal hunter, do solemnly declare as follows:

1. That I have been out in sealing-vessels four years. In 1889 and 1890 I was on the "Mary Ellen" as steward; in 1891 I was on the "Teresa" as hunter, and this year, 1892, I was on the "Annie E. Paint" as hunter.

2. In 1891 I got 232 seals. I lost that year by sinking after being shot not more than seven seals, probably less. In 1892 I got 222 seals, and lost by actual count 5. The other four hunters on the "Annie E. Paint" lost about the same proportion.

3. That this year I saw more seals on the coast from Cape Blanco north than in any previous year I was out. The greatest number I saw at one place was off Pamplona Rocks. I saw more seals there this year than I ever saw before at any one time or place.

4. That all along the coast from Cape Blanco to Middleton Islands I have seen every year I have been out seals in bands from five seals up to hundreds. When in bands seals are very hard to get at. There are always some awake on the watch. They never seem to sleep well in bands. Our best catches are always made when the seals are scattered. They are then generally asleep.

5. I got more male seals this year on the coast than females. I am safe in saying that three seals out of every five I got on the coast were males. About one-half the females I got were with pup, the other half barren cows and young females. On the Asiatic side this year I got 100 seals; about half were females in about the same proportions as on the American coast.

6. That I shoot sleeping seals at from 5 to 15 yards range. I never lost but one seal shot at while sleeping, and that was by going after another seal, and leaving it too long. I shoot travelling seals at from 20 to 50 yards range. I have never used a rifle.

7. A few of the female seals I got on the Asiatic coast this year were in milk, but a very few.

8. That wounded seals, as far as my experience goes, are either captured or live if they escape. I picked up one dead seal in Behring Sea last year. It had been dead about twenty-four hours, and had been shot. I never heard of any one else finding dead seal in the water, and that is the only one I ever saw.

9. That as a rule the bands of seals are mixed, that is, males and females are together. Sometimes I have shot all males in a band, and sometimes all females, but very seldom. I have never seen more than two or three old bulls ("wigs") on the coast in a season. These were generally alone, and up north about the Fairweather Grounds.

10. I have never noticed teats on either male or female seals, except those in milk. I saw this year a pair of seals having connection in the water. It was on Fairweather Grounds. I was quite close at the time, waiting to get a good chance at the female, which was quite under water, when the male plunged, and I lost them.

11. The "Annie E. Paint" left the Commander Islands grounds this year about the 21st September, and reached Victoria the 15th October. I saw seals in the North Pacific all the way over every day. We were 100 miles from the Aleutian Islands at the nearest. We ran out of them about Queen Charlotte Islands.

12. That I have always found it harder to get at female seals than males, especially cows carrying pups. They are very watchful, and seem to be always on the alert.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEORGE ROBERTS.

Subscribed and declared by the said George Roberts before me, a Notary Public duly commissioned, residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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54 *Declaration of Matthew Ryan.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Matthew Ryan, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That I have been sealing ten years. Last year I was a boat-steerer; this year I was a hunter.

2. The hunter I was with last year got 319 seals, and lost 12 or 15. This year I secured 249, and lost 7. I think I am a good average hunter, and such a one ought not to lose more than I do. We lose very few by wounding them, and then having them die—none worth speaking of. I shot at a sleeping seal when from 12 to 15 yards from it. I have never seen seals in schools.

3. Our vessel was on the coast this year about the same time as last year, and I saw a good many more seals than I did last year. We took about as many females as males. On the Russian side this year we took more males than females. We took over 500 seals there, and there were not over 100 females. Never looked to see whether males had teats.

4. In Behring Sea—American side—last year we got, I think, more males than females, certainly not more females than males.

5. Never saw seals cohabiting; other sealers have told me they have seen it.

6. More Indians use guns now than use spears.

7. I never was out with Brown, who was a hunter on the "Corwin" this year, but have heard he was a very poor hunter, about as poor as could be got.

8. The above statements have been read over to me, and I declare that they are all true, and that there is nothing more than I wish to say on the seal question.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) M. RYAN.

Subscribed and declared by the said Matthew Ryan before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of R. O. Lavender.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, R. O. Lavender, of the city of Victoria, and Province of British Columbia, do solemnly declare as follows:

1. That I am a citizen of the United States, though at present my home and interests are at Victoria.

2. I have been sealing five seasons—four as master of a sealing-schooner, and the other year I went as a hunter, in order to see what there was in the business (that was the first year). I was on the "Mollie Adams," then, the next two years the "Henry Dennis," last year the "Pioneer," and this year the "Viva."

3. When off Cross Sound last April my vessel was boarded by an officer of the "Corwin," who asked me to go to that vessel and tell them what I thought about seals.

4. I have hunted every year myself, and have lost not more than one out of twenty.

5. I explained to the people on the "Corwin" that the reason some hunters were reported to lose more seals than others, was that a hunter was paid according to the number of skins he got, and that killing seals was like killing birds or other animals, the poor hunter excused his lack of skill by saying that he killed the animal, and that it had sunk. The boat-puller knows better than that.

6. I do not know Brown who was a hunter on the "Corwin." They thought then that the Indian hunter was very much better, and would get three times as many skins as the white man, but a good white hunter with his gun will get more seals than an Indian with his spear. I know that Indians all carry guns as well as spears in their canoes now, and that formerly they did not do so.

7. This season on the coast I got over one-third of my catch in females, less one-half among them were barren cows. It was the same other years, but three years ago, on Fairweather Grounds, I got among young bulls about the size of a good-sized cow. We took about 300 in four days.

8. I have been three seasons in Behring Sea. When on the sealing grounds nearest the islands I got mostly females, but farther out they were mostly males of the kind mentioned above.

9. I have never been to the Asiatic side. I have every year seen seals in schools, south as well as north. They are much harder to get when several are together. They are getting educated, and there is no doubt that they keep a look-out. I have been going toward two sleep-

ing seals a good many times, and have had a seal as far as 200 yards to leeward of me scent me, and have seen it make at once towards the sleeping seals, and would jump right on top of them and wake them. Only twice in five seasons have I seen two sleeping seals near one another, and when one would wake, see him go away without waking the other. Twice only have I seen this; one seal would wake the other always.

55 10. Five seasons ago I saw more seals between Flattery and Cape Cook than I ever saw since on the coast. That year there was plenty of bait on the coast, and consequently food for the seal. It was a small fish they were feeding on. Since then there has not been such a quantity of bait, and I think the seals were there feeding.

11. This year I did not catch anything off Queen Charlotte Islands; but off Mount Edgecumbe, and from that on to Cross Sound I found nothing in the seals' stomachs, showing that they were travelling seals. On the Fairweather Grounds the stomachs were full of salmon, squid, and a small black fish of which I don't know the name.

12. I saw more seals this year than I did any time since the first year I was out.

13. I think the seals should be protected. There ought not to be any seals killed on the islands at all. They should be perfectly protected there until the young ones can get along by themselves, which is about the 15th August—I have been told by a United States Treasury Agent on the islands; but I think, too, that they should be protected at sea, and that none should be killed until the 15th August; then let us go into the sea and stay there as long as we like.

14. Coming home from Behring Sea this year I saw four sleeping seals off Cape Flattery, the 21st July; one was shot. It was a barren female, and in good health, for I carefully examined it.

15. I have gone into Behring Sea through the 172nd Pass, but saw no seals there.

16. I have not noticed that males have teats.

17. I have carefully read the above statements, and swear that they are all true, and that there is nothing further I wished to have inserted in this declaration, but that I told Captain Lavender of the "Corwin" that more seals were lost that were killed with a rifle than with a shot-gun. I would qualify this by saying that seals one is close to are as certain to be got when shot with a rifle as with a shot-gun, but with a rifle they are shot at farther off, and so some may be lost.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) R. O. LAVENDER.

Subscribed and declared by the said R. O. Lavender before me a Notary Public, duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration by J. S. Fanning.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, J. S. Fanning, of the city of San Francisco, make oath and say:

That I have been sealing four years. In 1889 in "Lillie L.," of San Francisco; in 1890 I shipped in the "Allie J. Alger," of Seattle, but was out a short time only. In 1891 and this year was in the "Henry Dennis." The 21st day of April last, when about 80 miles off Sitka, we were asked on board of the United States cutter "Corwin." Six hunters in all went on board of the "Corwin," but one only, Ernest Miner, was interviewed by Captain Lavender, an Agent of the United States Government. Mr. Milner was not interviewed in my hearing. The first year I was out I got 227 seals, and there were about twenty, I think, that I killed and did not get, and besides these, crippled a good many. I lost many more this year—that is, 1889—than I would have done had I known anything about sealing. In 1890 I was not out long enough to do anything worth while speaking of. In 1891 I got 167, and killed 7 that I did not get. I kept count of the seals I shot at that year, and know just how many I got and how many I lost. This year I secured 385, and lost 14. I am sure there were no more than that, for every one I lost I made a note of it. A good average hunter ought not to lose more than I did. I shoot at sleeping seals when 12 to 15 yards from them, and at a travelling seal when 30 or 40 yards away. Seals were found most abundant by me on the Fairweather Grounds this year. I have seen seals in schools every year. I saw bunches of twenty-five or thirty off the Columbia River this year, but when they are in bunches they are much harder to get. Generally, cows and bulls travel together, but this year we found when about 60 miles off Mount St. Elias we got 1,019 seals; of these there were not fifty cows. I killed while there 158 seals, and of these there were not more than eight cows, and the other hunters had the same experience. Both last year and this year, when going to the Russian side, and while south of the Aleutian Islands, we killed seals when about half-way over. Coming home this year we saw seals in the North Pacific. I killed one of them myself.

One of the hunters on our schooner this year killed a female the 28th day of July. It had in its womb an unborn pup, which we had in the schooner for an hour or so.

This year we travelled about the same route as usual, and I saw more seals than I ever did before. I have seen seals attempting to cohabit in the water, but never saw them actually in the act. The male was on top of the female, and it seemed to me that he was attempting to have connection with her. In 1889, in Behring Sea, I got more females than males. I have not been there since. I talked with Mr. Alexander this year, who is an Agent of the United States Government, I
56 believe, and I gave him much the same evidence as I have given now. I have read the above statements as written down, and swear that they are true to the best of my belief.

(Signed) J. S. FANNING.

Subscribed and sworn before me the 30th day of September, A. D. 1892, at the city of Victoria, Province of British Columbia.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public, by Royal Authority, in and for the Province of British Columbia.

Declaration of Abraham Billard.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Abraham Billard, of the city of Victoria, in the Province of British Columbia, seal hunter, do solemnly declare:

1. That I have been seal-hunting two years. In 1891, on the "Beatrice," with Indian hunters, and this year (1892) on the "Maud S.," as hunter.

2. In 1891 I got 120 seals, and lost 7 or 8 by sinking. This year I got 264, and lost by sinking only 6. I remember the 6 distinctly, and know there were no more lost.

3. I did most of my sealing on the American coast north of Cape Flattery. Last year I saw a school of seals right off the Straits, a little north of Cape Flattery. It was a fine calm day, but I only got one seal out of the thousands in sight. Twelve canoes were out from the "Beatrice," and the total catch for the day was only fifteen. The reason is, that the whole school was divided up into small bands, and in every band there were seals awake, that, as soon as a boat or canoe came near, began jumping among the sleepers to wake them up, and before we could get near enough to shoot, the whole band was off.

4. The Indians used spears mostly. They had guns, but seldom used them.

5. About one-half of my coast catch were females; about one-fourth of these were in pup. I sealed in Behring Sea last year from the 2nd to the 23rd July. I got thirty seals there. I don't now remember the number of females among them, but remember three in pup.

6. Last year the "Beatrice" crossed Behring Sea from east to west, starting from about 35 miles north of St. Paul Island. I saw seals all the way over to the Copper Island grounds, and got two seals on the 27th July on the line, between the American and Russian sides of the sea.

7. That I do not know any difference between the seals on the two sides of the Pacific. The seals generally over there may be a little darker, but I have seen very dark skins taken on this side.

8. I saw many more seals this year than last all along the coast, especially off Cross Sound and Fairweather Grounds.

9. Last year, in Behring Sea, I saw seals cohabiting in the water. I remember twice distinctly. I got both seals both times, killing both seals each time with one shot. The bull's penis was out in each case. I am certain they were having connection.

10. Male seals have teats as well as females, but not so large, especially in the older seals.

11. That I have never found dead seals at sea, nor have I ever heard of such.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ABRAHAM BILLARD.

Subscribed and declared before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of William Thomas Bragg.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, William Thomas Bragg, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly and sincerely state and declare as follows:

1. That I have been on sealing expeditions along the Pacific Coast in the year 1885 and every year since.

2. That during the years 1885 and 1886 I was on board the schooner "Mary Ellen;" during the year 1887 I was on board the schooner "Teresa;" during the year 1888 I was on board the "Penelope" for the coast work, and on board the "Triumph" during the remainder
57 of the season; during the years 1889 and 1890 I was on board the schooner "Maggie Mac;" during the year 1891 I was on board the schooner "Annie C. Moore," and this year I was on board the schooner "Agnes Macdonald."

3. During this and last year I kept a record of all the seals killed by me. I secured during the year 1891 485 seals and only lost 10, that is, I killed 10 that sank before I got to them. This year I secured 173 seals, and only lost 4 by sinking as aforesaid. I was not out the whole of the season of 1892.

4. In earlier years I did not lose many seals, if any more, than I did the past two years.

5. A sleeping seal seldom sinks when shot, and two-thirds of the seals secured are "sleepers."

6. The chances of getting a seal that is badly wounded are good.

7. I shoot at sleeping seals when about 20 feet away from them, and I get as close as possible to "travellers."

8. Seals were seen most abundant by me this year off Mount St. Elias about the end of May or beginning of June.

9. Seals sometimes travel in bands of from thirty to forty. Males and females travel together, and the yearlings are generally with them. Sometimes on Portlock Bank young 2-year-old bull seals are found without females among them.

10. I can give no idea of the number of female seals that are killed in proportion to the number of male seals, because when a seal is killed it is skinned as quickly as possible, and are seldom examined, at least by me. I have seen young 2-year-old cow seals.

11. In the year 1887 I went over towards Copper Island on the schooner "Teresa," and I saw seals in Behring Sea all the way across.

12. I went to the Russian side this year, and on the way home in September I saw seals in the North Pacific Ocean about 500 miles from land. I have seen them about the same place in previous years.

In August 1888 I saw sleeping seals in the water near the Scott Islands; that is within 20 miles from the said islands, and have heard other seal hunters make statements that they had also seen seals there.

14. I found seals as plentiful this year as on any previous year.

15. I have been out seal-hunting with Indians. There were eleven Indians on board the schooner "Triumph," and each one used a gun. Indians are using guns for sealing at the present time more than on any previous year.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WILLIAM T. BRAGG.

Signed and declared by the said William Thomas Bragg before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 19th day of October, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of George Dishow.

CANADA, *Province of British Columbia, City of Victoria,*

I, George Dishow, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare as follows:

1. That I have been sealing six years as a hunter on the schooners "Favorite," 1887; the "Penelope" in 1888, the "Penelope" in 1889, the "Walter L. Rich" in 1890; the "Umbrina" in 1891 and 1892.

2. In 1887 I got 300 seals, and lost 3. In 1888 I got 300, and lost 4 or 5 at most. In 1889 I got 461, and lost not more than 4 or 5. In 1890 I got 364, and lost not more than 5. In 1891 I got 223, and lost not more than 6. In 1892 I got 303, and lost more than usual—I think, 9—not more than 10 anyway. I mean by "lost" that I killed them, and they sank before I could reach them.

I am a fair average hunter, and lose about as many seals in this way as the average hunter.

3. This year I got more males than in any year before; more than half were males. All the hunters this year on the "Umbrina" got more males than females. In previous years I got a little over half of my catch in females, but very little over, and the other hunters on the vessels I was on about the same proportion.

4. I have sealed in Behring Sea, on the eastern side, three years. Sometimes I got more males than females, and sometimes more females than males.

Taking the years together, I think the catch was about half-and-half.

5. The greater number of females caught on the coast are with young, but in Behring Sea I never got any cows with young. A few cows there would be in milk.

6. I have seen big schools of seals south of the Columbia River in March, and also all along the coast right up to Portlock Bank. Generally the schools were of all kinds of seals except the 1-year and 2-year olds, which are generally by themselves either ahead or behind. When in schools the seals are hard to get at—one can hardly get near them at all. Our best sealing is among scattered "sleepers."

58 7. Cow seals in young are very uneasy, and hard to get; in fact, all kinds of seal are wilder and harder to get than in former years.

8. This year the "Umbrina" returned from the Commander Islands between the 10th September and 1st October. I saw seals in large numbers all the way over about 200 miles south of the Aleutian Islands to within 200 miles of Queen Charlotte Islands. The year before, 1891, I saw seals along the same course a couple of weeks earlier, but not in so large a number.

9. I don't know that seals haul out anywhere except on the Pribyloff Islands. I have never been ashore at any place except one to find out, and only say so from what others have told me.

10. I have also heard other hunters say that pups were born in the water, but I have no experience of that myself.

11. I gave evidence this summer on the United States steamer "Corwin," at Sitka. I told him pretty near about the same as this I am telling now. I was not sworn to what I said, I only signed my name. I told him I thought the sea ought to be closed till about the end of July, and then let us go in. I think that killing seals on the rookeries is more destructive to seal-life than killing at sea.

12. Indian hunters use guns more now than they used to.

13. I don't think seals are decreasing in numbers: on the contrary, I saw more seals at sea this year than in any other of the six years I have been out sealing.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEORGE DISHOW.

Signed and declared by the said George Dishow before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 19th day of October, A. D. 1892.

(Signed) ARTHUR L. BELYEA,
Notary Public.

Declaration of Otto Buchholz.

CANADA, *Province of British Columbia, City of Victoria,*

I, Otto Buchholz, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I have been fur-seal hunting on the Pacific Coast three years: in 1890 as navigator of the schooner "Minnie," and in 1891 and 1892 as master of the schooner "Sea Lion."

2. This year I hunted myself at spare times in fine weather. I got 48 seals, and lost 6 that I shot at. Of the 6, I lost 2 by sinking; the other 4 were wounded and escaped. I don't think any of the 4 wounded afterwards died.

3. I never saw a dead seal floating on the water, but I have known a few seals to be got by my hunters that had old shot in them, generally between the skin and blubber.

4. Sleeping seals are shot at by me when within at least 15 yards, and "travellers" at about 25 to 30 yards off.

5. Last year and this year I saw large schools of seals along the coast from 47° 30′ northward. This year I saw a greater number of schools of much larger dimensions than last year, and over the whole course of my voyage saw at least ten times as many seals as ever before. On the 15th January, 1892, 25 miles off Cape Flattery, I saw the largest school of seals I ever saw anywhere. They were in bands over an area of 15 square miles. The sea was fairly alive with seals. There were heads everywhere. We lowered our boats, but the sea was rough, and the boats had to return in a short time, the wind having increased to a strong gale.

6. In my experience I have generally noticed old bulls travelling by themselves, younger bulls and cows generally together, and the 2-year-old pups together, but sometimes all the ages of both sexes are found together.

7. The more scattered the seals the better chance to get them. When in schools they are hard to get, being generally awake and on the move.

8. The food of seals on the coast is mostly salmon. On the Asiatic side mostly squid.

9. In the "Minnie" in 1890 I had Indian hunters. They used spears, and guns now and then to shoot "travellers."

10. On the coast I got more females than males, but on the Asiatic coast we get more bulls than on the American side. We got a few barren cows on the Asiatic side this year.

11. Cows with young in them are very hard to get at. They are generally on the watch, and make away as soon as a boat comes near. We don't kill old bulls as a rule; they are of little value, and difficult to handle because of the size and weight.

12. I don't know any difference between the seals of the Asiatic side and American coasts. The former may be a trifle darker in colour at the same time of the year, but I cannot tell one from another. The hunters think the seals on the Asiatic side a little tamer in the first of the season than on this side.

13. In 1890 I sealed in Behring Sea in July. I got a few female seals in milk; none carrying pups. We sealed from 35 to 50 miles from the Pribyloff Islands.

14. I don't know of any schooners being in Behring Sea this year except those seized.

59 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) OTTO BUCHHOLZ.

Signed and declared by the said Otto Buchholz before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 19th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of William O'Leary.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, William O'Leary, of the city of Victoria and Province of British Columbia, do solemnly and sincerely declare:

1. That I first hunted the fur-seal in 1886, and have been sealing every year since, as master each year.

2. In 1886 I was on the schooner "Pathfinder," now the "Pioneer," and sealed along the coast into Behring Sea. In 1887 I was on the same vessel and made about the same cruize. In 1888 I was on the "Teresa," but did not go into Behring Sea that year. The following year I was again on the "Pathfinder," and went again into Behring Sea. I brought the "Ocean Belle" around the Horn in 1890, and sealed on her for about three months—April, May, and June—and then took charge of the "Walter L. Rich," and went into Behring Sea. Last year, 1891, I was on the "Ocean Belle" for the whole season, and this year on the "Geneva."

3. I have always hunted a little in the stern boat, and have never lost many seals by sinking. This year I killed thirty-four, and did not lose one of them by sinking. From talking with my hunters I would say that from 1 to 5 per cent. of the seals killed are lost by sinking.

4. I no not believe that many seals are badly wounded, and die afterwards and are lost, for when a seal is wounded and lives a little while afterwards it will always float when it does die. When there are so many boats close to one another killing seals, many such floating seals would be seen if there were many wounded ones that died, but as a matter of fact I have, in all the time I have been sealing, seen only three such seals.

5. I have seen seals travelling in schools very often, and have seen as many together off the Columbia River as I ever did anywhere, but when they are in schools it is very hard to get near them, and the hunters do not like to see them in schools.

6. Males and females travel together on the coast, and mixed with them are the yearlings.

7. Last year I saw more seals on the coast than I saw in any year but 1890. This year I was behind the seals, and did not see so many as last year. Seals are not found in the same places every year, and where I got a great many last year, I found few or none this year, and in other places I found a great many more seals than I did last year.

8. I do not think there is the slightest danger of exterminating or seriously diminishing the seals by hunting them, as they are growing more wild and wary every year, and when the catches are not sufficient to pay expenses, the number of schooners employed will soon decrease.

9. I once saw seals cohabiting in the water, and have often heard my hunters speak of it.

10. My coast catch has always been composed of about an equal number of males and females, and about the same in Behring Sea.

11. I have been sealing two seasons on the Asiatic side of Behring Sea, and have not been able to detect any difference between the seals on that side and those on the American side.

12. Besides the schooners that have been seized, I have not heard of any vessels sealing in Behring Sea, and do not believe that there were any other vessels there.

13. I think that if the seals were allowed to breed quietly on the islands, and were not killed in Behring Sea in July or August, that that would be all the protection that was needed, and even without a close season the number of schooners would soon be regulated by the catches made.

14. I have never been close to the Pribyloff Islands, and have never had any trouble in keeping as far from them as I wished, even in the most foggy weather.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WM. O'LEARY.

Declared before me, at the city of Victoria, this 14th day of October, 1892.

[SEAL.] (Signed) D. M. EBERTS,
A Notary Public in and for the Province of British Columbia.

60 *Declaration of Alfred R. Bissett.*

CANADA, *Province of British Columbia, City of Victoria,*

I, Alfred R. Bissett, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare as follows:

1. That I have been engaged in sealing-vessels for three years. In 1889 I was on the "Mary Ellen" as hunter until about the 1st May, when I went on board the "Teresa" as mate and hunter. In 1890 I was not out. In 1891 and 1892 I was master of the "Annie E. Paint."

2. That I have always hunted seals in the stern-boat whenever my duties as master and mate would allow, and in the last two years have got in this way about 70 seals. I don't think I lost more than 3 in getting the 70.

3. That in 1889 the "Mary Ellen" sealed as far south as the Faralone Islands. In the "Annie E. Paint" I have not been south of the Columbia River. From off Grey's Harbour northward along Vancouver Island coast to off Cape St. Elias I have during the last two years seen seals in schools or bands at scores of places, such as Hesquit Head, Vancouver Island; Cape Cook, Cape Scott, Triangle Island; Cape St. James, Cape Addington, Alaska; Sitka Bay, Cross Sound, Pamplona Rocks, including the Fairweather Grounds. This year, about the 20th February, off Barclay Sound, from 5 to 18 miles, for over a week I was in one of the largest schools of seals I ever saw. My six hunters got only 20 seals in that time, because the seals were so wild we could not reach them. The best sealing is always among scattered seals, which are mostly "sleepers."

4. Some of these schools consist of small bands. Frequently the bands are all cows or all bulls; sometimes the seals seem to band together according to age, but in any large school there are to be found both sexes of all ages. I have known my hunters to come in from a day's hunt, one having got all bulls, another nearly all cows, and others cows and bulls. A hunter's largest score for a day is nearly always among young bulls. This is because the bulls are easier got at. All along the coast the cows are wilder than the bulls.

5. Last year over 80 per cent. of my catch were young bulls. I was late going up the coast, and did not overtake the older seals; at least that is how I account for it. I got very few females. This year my catch was about half females on the coast. My hunters got 568 seals on the coast. They saved about all the skins of the pups that were taken from the cows killed and brought on board, and had about 30 of them. Out of the 568 seals I am sure there were not more than 70 or 80 cows in pup.

6. I was over to the Copper Island grounds this year. My hunters got 421 seals there. The only difference between the seals over there and on this side that I can see is that the Copper Island seal is a little darker in colour. The seals there are not so fat as on this side.

7. I left the other side 21st September last, and arrived home 14th October instant. I sailed southerly to the 49th parallel, and thence easterly to Victoria. I saw seals nearly every day until we got within 500 or 600 miles of Vancouver Island. We here entered very bad weather and I did not notice the seals. There was scarcely a watch that did not report seeing seals. On two days I saw seals enough to justify lowering a boat had the weather not been so heavy. This was about the 173rd meridian west on the 49th parallel.

8. That I saw more seals this year than I ever saw before, and the vessels that kept up with the seals made the largest coast catches on record.

9. That, from my experience and observation, I believe that immense numbers of the seals that go up this coast never enter Behring Sea. I know that all through the summer and early fall that seals are scattered over the North Pacific north of Vancouver Island, and as far as the 165th meridian east. I have compared notes with other masters, sailing both earlier and later than myself, and I have found all reporting seals scattered over the ocean from one side to the other.

10. In my experience I have found only three dead seals on the sea. One of these had been shot by one of my hunters about an hour before, but sank. Another I examined, but found no wounds on it. I believe it had died a natural death. The other had been shot about two days before I got it. From the wounds I believe it was shot dead; the wounds were in the head.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ALFRED R. BISSETT.

Subscribed and declared by the said Alfred R. Bissett before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 22nd day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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61 *Declaration of Herman R. Smith.*

CANADA, *Province of British Columbia, City of Victoria,*

I, Herman R. Smith, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I have been engaged in fur-seal hunting for twelve years on the North Pacific Ocean, and have been five years in Behring Sea—four years on the eastern side and one on the western.

2. That I have served as able seaman, hunter, mate and master in that time, and have also had charge of trading stations on the west coast of Vancouver Island.

3. That I have hunted seals from 200 miles south of Columbia River up the coast and in Behring Sea.

4. Since 1889 I have seen on all parts of the coast seals in schools or bands, often in very great numbers. In February 1889, off the mouth of Hingua (?) River, State of Oregon, I saw the largest school of seals I ever saw. It was a fine calm day. The seals covered the water as far as I could see standing in my sealing boat; there were thousands and thousands of them. There were cows and bulls of different ages. I did not get one, the great majority of them being awake, so I could not get near enough to shoot.

5. In other years I have often seen large schools at other places. This year I saw most seals off Baker Island in very rough weather. My vessel was hove-to, and when the weather cleared the seals were gone off northward and westerly.

6. In 1887 I got plenty of seals, all bulls, off Cross Sound, on the 12th, 13th, 15th, and 24th July. I then sailed away then for Behring Sea.

7. In 1888 I got between 300 and 400 skins off Kadiak, all bulls. In 1889, on the 24th June and 2nd July I got a little to westward of Portlock Bank, an average of fifty skins per day; seven-eighths of these seals were bulls.

8. In 1890 the seals were most plentiful in June off Middleton Island. In 1891 I made no coast catch. In all these years, except 1889, I had Indian hunters using spears.

This year I went north two months behind time, and got 285 seals off Sitka and on Fairweather Grounds, about two-thirds bulls.

9. Previous to 1887 I did most of my sealing off the coast of Vancouver Island. The seals now do not follow this part of the coast as closely as they used to. I believe this is due entirely to the run of the fish on which seals feed. I know that last year there was a great run of herrings into Barclay Sound in April, and that the herrings were followed by a great school of seals, which remained until the herring disappeared.

10. On the Vancouver coast, in the early part of the season, about one-half of the seals got are females, about one-half of which are with pup. As the season grows fewer females are got, and of those got a smaller proportion are in pup. By the second week in June all females in pup have left the coast as far north as Queen Charlotte Islands.

11. Indian hunters are using guns now much more than formerly. Fully one-half of the Indian hunters out this year use guns as well as spears. My hunters this year lost two seals by sinking out of a total catch of 524.

12. In Behring Sea the seals got during the first half of the season there are mostly all bulls; during the last half, that is, from about the 10th August to the close, the sexes are got in about equal proportions.

13. This year I was over on the Copper Island grounds and got 230 seals. About one-third of these were females. None were in pup, and I particularly noticed that none were in milk. This was from the 5th August to 6th September, when I left for Victoria.

14. On my return home I sailed south from Attu Island to between the 49th and 50th parallel north latitude, then east for home. I saw seals scattered all along the route home, and at the dates and places given here I saw more than usual, and entered the fact in my log. The entries are as follows:

9th	September.	—49° 58′ north, 176° 58′ west.
11th	"	50° 4′ north, 168° 32′ west.
15th	"	49° 44′ north, 156° 4′ west.
21st	"	49° 44′ north, 132° 56′ west.

On all these days at these places I saw numbers of seals, though the weather was rough.

15. The seals off Copper Island seem a shade darker than on the eastern side, and are certainly not so fat. I don't think food is so plentiful. Over there the seals get only squid and devil fish, largely the latter. They seem tamer than the east coast seal, especially early in the season.

16. From all I have seen and learned of seals in the twelve years I have been hunting I positively say that there are many more seals now than twelve years ago, moving along the American coast from February to June. In my judgment the best and most effective protection of seal life is to let them alone on the rookeries. The slaughter on the rookeries ought to be stopped first, and the seals allowed to haul out, breed, and propagate without any interference. If this were done there is no danger of extermination by sealing at sea.

17. That I have only found one dead seal at sea in the years I have been out. That was this year, about 80 miles west of Attu. This seal had been dead only a short time; the wound was still bleeding.

My hunters and those of the "W. P. Hall" had been hunting
62 about the place the day before. A dead seal will generally rise to the surface in about half-an-hour after being killed. I have got several in that way.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) HERMAN R. SMITH.

Subscribed and declared by the said Herman R. Smith before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 22nd day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of William De Witt.

CANADA, *Province of British Columbia, City of Victoria,*

I, William De Witt, of the city of Victoria, in the province of British Columbia, seal-hunter, do solemnly declare:

1. That I have been in sealing-vessels as a hunter the last four years. In 1889 I was on the "Penelope," in 1890 on the "Penelope;" in 1891 on the "Viva," and in 1892 on the "Sea Lion."

2. That in 1889, my first year of sealing, I got 90 seals, in 1890 I got 217, in 1891 I got 290, and in 1892 I got 420. I don't remember exactly how many seals I lost by sinking in 1889, but certainly not over 15. In 1890 I lost between 15 and 20. I kept count of those I lost that year until near the end of the season. In 1891 I lost 9 by sinking; I kept count of them that year and also this year, 1892, when I lost by sinking 7.

3. I use both shot-gun and rifle in sealing. I shoot sleeping seals at from 10 to 15 yards' range, and "travellers" at from 30 to 40 yards. I seldom use the rifle, and only then on "travellers." Most of the seals I lost by sinking were "travellers" shot at the longer range.

4. Very few seals are wounded. Those badly wounded I always get, while those so lightly wounded that they escape do not afterwards die. In the four years I have been out I have picked up three dead seals at sea. They all had been dead but a short time, their skins being sound and good. Two of the three I picked up this year on the Copper Island grounds.

5. That each year I have been out I have seen bands or schools of seals along the coast from Cape Blanco north to Queen Charlotte Islands; north of this I have seen smaller bands. They are generally wild when in bands, and I always have best hunting when seals are scattered. The bands are made up of males and females both young and old. I don't ever remember getting among a school or band of all one kind.

6. That of the seals I got a little more than one-half of those taken on the coast were females. On the Asiatic side the cows were in about the same proportion. On the coast over half the females I got were with pup, but on the Asiatic side I got no cows with pup, but a good many had milk.

7. I saw more seals this year than ever before all along the coast, especially off Cape Flattery, Fairweather Grounds, and Middleton Island.

8. Seals are wilder now than when I first went hunting, particularly so on the coast.

9. I have been over to the Copper Island grounds twice, in 1891 and 1892. In 1891 the "Viva" crossed Behring Sea from about 20 miles north of Amutka Pass to the Copper Island grounds. I saw seals scattered all the way over. This year the "Sea Lion" went over outside the Aleutian Islands. I saw seals in about the same way all the way over.

10. I have seen seals all over the North Pacific Ocean in the fall and early winter months.

11. I once saw a male and female seal having connection in the water. I killed both of them, first the cow and then the bull, and got both in the boat.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The act respecting Extra-Judicial Oaths."

(Signed) WM. DE WITT.

Subscribed and declared by the said William De Witt before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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63 *Declaration of William G. Goudie.*

CANADA, *Province of British Columbia, City of Victoria,*

I, William Goudie, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare:

1. That I have hunted fur-seals in the North Pacific and Behring Sea five years. I went out first in 1888 on the "Mollie Adams" from Seattle, sealing on the coast, and on the "Edward Webster" to Behring Sea. In 1889 I was on the "Mollie Adams," in 1890 on the "Sapphire," in 1891 on the "Carlotta G. Cox," and in 1892 on her again.

2. I kept a record of my catch of seals every year. Last year and this year I kept count of the seals I sunk, but not in the other years, though I remember the number well.

3. In 1888 I got 75 on the "Mollie Adams," and on the "Webster," in Behring Sea, 118. Out of the whole lot I lost by sinking 7. In 1889 I got 250 seals, and lost by sinking 3. In 1891 I got 387 seals, and sunk 5. In 1892 I got 442 seals, and sunk 2.

4. This year the majority of the seals we got on the coast were bulls; out of 2,040 seals caught on the coast, about 1,500 were bulls from 2 to 4 years old. On the Russian side of the Behring Sea we got 689. I got 136 of these. A little more than half were females—none in pup, a very few in milk. About half the females I got on the coast were with pup, the other half barren cows and young females.

5. Every year I have been out I have seen the seals in bands or schools on the coast as far south as 70 miles south of Cape Flattery and all along up the coast. I have never been as far south as the Columbia River sealing.

6. The schools are made up of male and female seals, young and old, though sometimes we find small bands of one sex or age.

7. That I saw on the coast this year more seals than I ever saw before, particularly off Cape Cook and Cape Fairweather.

8. I have been in Behring Sea four seasons, around the Pribyloff Islands. I don't remember very well what proportion of those I got were females, some years more, others less, but I think about one-half taking the years together. With very few exceptions there were no females in pup taken in the sea, but some of them, probably a quarter, would be in milk.

9. That I know no difference between the seals on the two sides of the ocean. I don't think there is any difference.

10. The "Carlotta G. Cox" left the Commander Islands grounds 5th September this year, and sailed directly for Victoria. I saw seals now and then over the entire course. I remember well seeing two 500 or 600 miles off land in about latitude 54° 30′ north and 143° west longitude; also two seals about 100 miles west of Queen Charlotte.

11. That I shoot "sleepers" at from 10 to 20 yards, and "travellers" at from 20 to 100 yards—very few at the latter distance, and then only on a calm day.

12. I have noticed the teats on male seals as well as females.

13. That three years ago in Behring Sea I saw seals having connection with one another on two occasions. I was within 70 or 80 yards of them.

14. Cow seals with young are the hardest to get at, especially in May and June. They are then wilder and more on the watch. After they pup they are not so wild.

15. In the five years I have been out I have found six dead seals on the water. Most of them had been shot only a few days.

16. That the only sealing-schooners that were in Behring Sea this year at all were those that have been reported seized. The vessels that did not go over to the Copper Island grounds returned to Victoria.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WILLIAM G. GOUDIE.

Subscribed and declared by the said William G. Goudie before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Captain Laughlin McLean.

CANADA, *Province of British Columbia, City of Victoria,*

I, Captain Laughlin McLean, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That I have been seven years sealing, and consider that I am the oldest sealer that goes out from this port. I have been out every year in the same vessel—the "Favourite"—as captain every year.

64 2. I do not hunt much, but know a good deal of the sealing business from being out with sealers.

3. My men always report having lost very few seals. Sir George Baden-Powell asked me about this last year, and I kept count of the cartridges I gave my hunters—they were Indians. I have had Indians every year since 1887. I found that they brought in almost as many seals as I gave them cartridges. On the 5th August last I gave them (my hunters) ninety-five cartridges, and they brought in eighty-four seals. They had to fire two or more times at some of the seals, so that they got practically all they shot at. The Indians used to use spears, but they all prefer guns when they can get them, and my Indians have used guns ever since 1888. I think my men lose about a half of 1 per cent. of the seals they shoot at.

4. I went out in the usual way this year, and at about the usual time, and on the coast from Flattery to Kadiak found the seals more plentiful than ever I had seen them before; my men also remarked this.

5. There are very few seals indeed that are wounded badly enough to die afterwards, and a few, I suppose, are killed and sink, but very few now that rifles are not used. A seal is sometimes stunned and will sink, and when gaffed and brought on board they come to and are all right, and I do not doubt that some that are reported lost come to and live.

6. This year I went to the Russian side of Behring Sea. On the way home I saw seals in the North Pacific, far from land; we got one of them.

7. Outside of Behring Sea my experience has been that there are more males than females taken, very many more. In Behring Sea we find more females than on the coast, but not nearly so many females as males.

8. I cannot tell a skin of a female from that of a male by the teats, for both have teats, and salted skins could not be separated in this way. There is no way to tell the sex of the seal a salted skin is taken from. I don't believe any man can tell the difference. I can see no difference between the seals on this side and on the Russian side.

9. Sometimes a man might drift in the fog, but if there were good soundings laid down on the Chart there would be no trouble in telling one's position.

10. I do not think seals could be much lessened in number if they were protected on the islands when breeding. There were more seals in Behring Sea last year than I ever saw before there. I was six seasons there.

11. I have never seen seals cohabiting in the water in Behring Sea.

12. I know Brown, who was hunter on the United States cutter "Corwin." He is reported to be such a poor hunter that no one would take him out last year.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) LAUGHLIN McLEAN.

Subscribed and declared by the said Laughlin McLean before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of John Henry Haake.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, John Henry Haake, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly and sincerely state and declare as follows:

1. That I have been seal-hunting in Behring Sea and on the Pacific Coast for the past five years, the first two years being engaged as a boat-puller, and the last three years being engaged as a hunter.

2. That I have been engaged on the sealing-schooner "Walter L. Rich" for two years; on the sealing schooner "Ocean Belle" for one year; and on the sealing schooner "Walter A. Earle" for one year.

3. That in the year 1890 I hunted seals in the stern-boat of the schooner "Walter L. Rich," and secured 151 seals altogether, of these 107 were secured in Behring Sea.

4. That during the said season of 1890 I killed and lost not more than seven seals at the most.

5. That in the year 1891 I was engaged as a hunter on board the schooner "Ocean Belle," and secured 275 seals.

6. That during the said season of 1891 I killed and lost not more than twelve seals at the most.

7. That during the season of 1892 I was engaged as a hunter on board the schooner "Walter A. Earle," and secured 352 seals.

8. That during the season of 1892 I killed and lost not more than fourteen seals at the most.

9. I consider myself a fair average seal-hunter, and I am sure that I do not strike many seals that are wounded and afterwards die; in fact, there are very few such instances.

10. I shoot at a sleeping seal when 12 or 15 yards from it, and the average distance at which hunters shoot at "travellers" is about 35 yards.

65 11. I have often seen seals in schools, and frequently have seen them in schools south of Cape Flattery.

12. Male and female seals usually travel together, but I have known of cases where males travel together and females together.

13. In September of this year, while we were proceeding homeward, and while in the North Pacific Ocean, we saw a few seals.

14. During the season of 1892 I secured quite a number of barren female seals—by a barren female seal, I mean one that has no pup in her.

15. The total coast catch of the schooner "Walter A. Earle" during the season of 1892 was 1,325 seals, and the greater portion of them were males.

16. I found the seals as plentiful during the season of 1892 as any previous year, and, in fact, I never saw them so plentiful on any previous year as I did during the season of 1892.

17. I have seen seals cohabiting in the water, and have killed both male and female.

18. A sleeping seal never sinks when it is shot in the head, and I have frequently seen them float for five minutes.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) J. H. HAAKE.

Signed and declared by the said John Henry Haake before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of James Shields.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, James Shields, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I have been six seasons seal-hunting. I went as a hunter each year. I have been out on the "Pathfinder," the "Ariel," the "Viva," and the "E. B. Marvin."

2. I remember within a seal or two the number of seals I killed and received, and those I lost. I kept a diary every season but last, in which I noted down the seals killed. In 1887 I got 349 seals and lost a good many; that was my first year, and I lacked experience. I lost, I believe, between 5 and 10 per cent. of the number I killed. The next year, 1888, I had secured 495 seals, and 5 per cent. would fully cover the number lost. In 1889, we made a poor season. I got 350 skins, and lost by sinking or crippling fewer seals than the year before. I have not with me the record for 1890, but I got the next largest catch to my brother William. The schooner took over 2,100. I lost that year not more than two seals that I know were killed and sank. In calm weather we are almost certain to get a wounded seal, but when the weather is rough, and the seal goes to windward, one is sometimes lost, when the boat cannot be pulled against the wind and sea, but very few are lost in this way. It is a common thing for a poor hunter, or a man who has bad luck, to come on board and say that he struck seals and lost them, but this is only an excuse. Last year we had a poor year for our schooner was seized. I took 133 seals and did not lose a seal that I know of, not one. I am sure that I did not badly wound or cripple many seals that got away. I do not know of any. When a seal sinks there is a streak of blood in the water that shows it.

This year I got 308 seals on the coast, and lost 3 that I know of; there were not more than 2 or 3 that were wounded that would die afterwards of wounds. I have noticed that a wounded seal is like a deer and some other animals; it gets better after being shot, and often when you think one is to be surely got, it revives and goes away. If a seal is badly wounded, I consider it as good as got, for it either gets worse or better; if the former we are sure of it, if the latter he will get away and get well.

3. I never kept count of the proportion of males and females taken, but of the larger seals there are more females than males, I think; of the smaller seals there are more males than females—this is on the coast—a good deal depends on where you are in Behring Sea; in connection with the sex of the seals, my own experience is I have taken more males than females. I would not like to swear to that, but will swear that a good half were males—this is in Behring Sea.

4. I have sealed in the sea—Behring Sea—four years. I have not sealed on the Russian side of Behring Sea. I have gone into Behring

Sea through the 172nd Pass, and both outside and inside saw seals. I do not know whether these seals were going to the Commander Islands or to the Pribyloff Islands, or whether they had come from either of those islands.

5. I have often seen seals in schools, especially south of Cape Flattery, but it is impossible to get at them there. I once saw a string of seals, porpoises, and whales, on a calm day, that took more than two hours to pass. This body of animals was about 60 yards wide. I went right among them, but only got three. In the same time I would have got more seals had they been sleeping or resting.

6. I have noticed that seals are getting wilder all the time, and it is much harder to get them now than it was when I first went hunting. There are more on the look-out, and when two or three are together there is always one on the look-out, even when seals are sleeping 66 they seem to be on the alert and start off. I have seen twenty seals sleeping and get none of them, they would not let me near them. Cows with young are wilder than others; the young seals are more easily got at.

7. I saw on the coast this year as many seals as I ever saw before, and a good many more than I have seen most years.

8. The teats of a seal are not easily noticed, and I don't know that males have them, but even when I knew the seal was a female it was hard to see the teats often.

9. I never saw seals cohabiting in the water, but have talked with men who have seen them, and I have seen males and females playing together, and have shot both of them; they are easier to get when a male and female are together.

10. Every year that we went into Behring Sea we got barren cows—by "barren" cows, I mean ones that have no milk in their breasts and, of course, no pup.

11. I have read over everything herein written, and declare that it is all true, and that there is nothing else I wish taken down.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JAMES SHIELDS.

Subscribed and declared by the said James Shields before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of George F. French.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, George F. French, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare:

1. That I have been seal-hunting three years—one year out of San Francisco on the schooner "Hamilton Lewis," and two years out of Victoria—in 1891 and 1892—on the "City of San Diego." All three were American registered vessels, and I am a citizen of the United States.

2. In 1890 I got 320 seals and lost 10 or 12. In 1891 I got 280. I kept count of those I lost last year, and they number 5. This year, 1892, I got 142, and by actual count lost by sinking 3. This is about the average loss by sinking made by average hunters.

3. I shoot sleeping seals from 10 to 12 yards distant. "Travellers" I shoot from 30 to 60 yards distant. Most of the seals I lost by sinking were "travellers." About 70 per cent. of all the seals I got were sleepers.

4. I have seen bands or schools of seals in January off San Francisco Harbour. This was in 1890. Last year I saw bands of hundreds and thousands of seals off the mouth of the Columbia River in the months of February and March. The bands were made up of both sexes of all ages, except old bulls ("wigs").

5. When seals are in bands they are hard to get at. Hunters do a great deal better among scattered seals, because most of them are sleepers. There are always watchers in the bands who soon wake up those asleep when a boat comes near.

6. Of the seals I got on the coast the males and females were about equal in number; the farther north I got the larger proportion of males I got. Of the females about 25 per cent. would be with young, the remainder barren cows and young females. On the Asiatic side I got no cows with pups in them, but once and awhile a cow in milk. I have been over there two seasons.

7. Last year, 1891, the "City of San Diego" left the Copper Island grounds on or about the 28th August. I saw seals all the way over to Cape Flattery. We sailed over from Attu Island in as straight a line as we could for Cape Flattery. The year before we left there on the "Hamilton Lewis" about the middle of August. I saw seals all the way over in mid-ocean. That year we made as direct as possible for San Francisco.

8. Male seals are marked with teats the same as cows, but the teats are smaller, and do not grow as the seal grows.

9. I have seen seals in thousands off the mouth of the Columbia. This was particularly so in 1890 and 1891. Also on Fairweather Grounds and off Cross Sound I have seen great numbers of seals. This year there were more seals on the coast than in the two previous years. I don't think seals are decreasing in any numbers; on the contrary, there seems to be more on the coast.

10. I have seen seals cohabiting in the water. I remember this distinctly on two occasions. I got both male and female both times.

11. The only difference I have noticed in seals on the two sides of the Pacific is that the Asiatic seals are a shade darker on the average, and taking the average of a catch a little larger. I could not tell the skins of the two apart if I saw them together, except by the darker colour. Some seals are darker than others on the American side.

12. Last year, 1891, when the "City of San Diego" was crossing Behring Sea from Amutka Pass to Copper Island, we passed small bands and bunches of seals travelling rapidly north-easterly; this
67 took place on three different days. The last lot we met were about 150 miles from the Copper Islands. These seals were the same kind of seals we get at Copper Island, and I am fully satisfied they were crossing Behring Sea to the Pribyloff Islands. This was between the 5th and 12th July, 1891.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEO. F. FRENCH.

Subscribed and declared before me by the said George F. French, a Notary Public duly commissioned, and residing and practising at the the city of Victoria, in the Province of British Columbia, this 20th day of October, 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Oscar Scarf.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Oscar Scarf, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare as follows:

1. I have hunted fur-seals in the North Pacific Ocean and Behring Sea for six years past. I was two years on the "Pioneer" (during one of which she was called the "Pathfinder"), two years on the "Viva," one year on the "Carmolite," and this year, 1892, on the "Agnes Macdonald," all of which vessels sailed from the port of Victoria.

2. In 1887, the first year I was out, I got 348 seals, and lost at the most 10. In 1888 I got 683 seals, and lost by sinking 6. I am sure of this, because I kept an accurate count of all I lost. The next year, 1889, I got 597 seals, and lost 14 or 15—more than I lost in any one year before or since. In 1890 I got 443 seals, and lost by sinking 6. Last year, 1891, I got 517, and lost 6 or 7, I am not quite sure which. This year I got 200 seals, and lost by sinking only 2. This year I did not go into Behring Sea, hence the small catch.

3. I generally get the seals I wound, and if a seal is wounded lightly he gets safely away; if badly wounded, I always get it. Very few, if any, wounded seals that escape afterwards die. I believe this because a dead seal is rarely discovered. I have very seldom found dead seals floating; I only remember three or four in my experience.

4. Many hunters use shot-guns only. I use the rifle a great deal. I shoot sleepers with the gun at 10 to 20 yards range, and travelling seals with the rifle at as long range as 100 yards. The seals I have lost are lost principally in this way.

5. I saw more seals off Cross Sound this year than I ever saw anywhere on the coast before, and altogether this year I saw many more seals than ever before in my six years' experience. This has been the experience of many other hunters as well as myself.

6. I have seen seals in schools all along the coast, but it is hard to get many when they travel that way. I have found males travelling together and females together, but where the females are the males are not far off. I have seen grey pups mixed with other seals in the schools.

7. The seals eat all kinds of fish, squid principally. I have often killed seals with nothing in their stomachs.

8. I have hunted five years in Behring Sea, and got the sexes in about equal numbers, and it has been the same on the coast. I have never got any young seals, and it has always puzzled me where the young females were. Every year I got barren cows.

9. On the return from Behring Sea every year I have been there I have seen seals in the North Pacific Ocean hundreds of miles from land. I have often heard that seals haul out on the Scott Islands, but I have never been there myself.

10. It is difficult to see the teats of the female seal, and I have never noticed teats on the male seal.

11. I have often seen seals cohabiting in the water, and have killed both the seals when they were doing this. It is very easy to get them when they are doing this.

12. I have seen Indians hunting. They use both guns and spears.

13. I have killed as many as sixty-two seals in one day without losing any of them. A great many seals are shot in the body when "breaching," and hunters are sure to get them when struck this way. Pregnant females are much more watchful and alert than other seals.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) OSCAR SCARF.

Subscribed and declared before me by the said Oscar Scarf, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of October, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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68 *Declaration of Frederick W. Strong.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Frederick W. Strong, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare as follows:

1. That I am a citizen of the United States.

2. That I have been seal-hunting in the North Pacific Ocean four years, three of which I was in Behring Sea. In 1888 I was on the United States schooner "Mollie Adams;" in 1889 on the United States schooner "Edward E. Webster;" in 1891 on the British steamer "Thistle;" and in 1892 on the British schooner "Maud S."

3. In 1888 I got nearly 300 seals, and do not think I lost any. In 1889 I got 307 seals. I do not remember losing any that year by sinking. In 1891 I got 59 and lost one. The "Thistle" was out that year a little over two months. In 1892 I got 264 seals and lost one.

4. About two-thirds of the seals I got each year on the coast were females, about one-half of which were with pup. In Behring Sea I got about half females more with pup, but some in milk.

5. I have been one year, 1892, on the Asiatic side. I got 94 seals there, about one-half females; now and then one with pup or in milk. I cannot see any difference between the seals on the two coasts, except that they are not nearly so wild on the Asiatic side as on the American side.

6. Every year I have been out sealing I have seen seals in schools from as far south as 200 miles below the Columbia River right up north to Sannak Island. This year on a calm day in May, off Cross Sound, I saw bands of seals as far as the eye could reach. Off Kadiak Island, about 100 miles south, in May this year I saw one day sixty or seventy bands of seals, from 50 to 100 in each band. I hunted from 5 o'clock in the morning till 9 at night among them and only got four. They were too wild to get near enough to shoot; seals in bands are always so.

7. These bands of seals contain both sexes and all ages except old bulls. Sometimes I have got all cows or all bulls from a small band of ten or fifteen, but very seldom.

8. I use only a shot-gun, and shoot sleepers from 10 to 20 yards, and "travellers" from 25 to 75 yards range. Fully 80 per cent. of all the seals I got were sleepers.

9. I do not think many seals I wounded escaped and afterwards died. I remember only one or two instances of wounding a seal and it escaping, and these were slightly wounded.

10. I found one dead seal the first year I was out. I examined this seal, did not find any wounds upon it, and believe it had died a natural death; it had been dead some time; it was a female.

11. I once saw a male and female cohabiting in Behring Sea. I got both of them, the cow first; the bull stayed around and I got him too.

12. This year the "Maud S." left the Commander Island grounds the 10th September, took water at Amchitka Island, and sailed direct for Victoria. We saw scattered seals every day all the way over, mostly 2-year and 3-year-old bulls, but some full grown males and females.

13. I saw more seals all along the coast this year than ever before, but they are a lot wilder and hard to get. The first year I was out our vessel got 700 in two months, and I did not see nearly as many as this year, but they were tamer and easily got at.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) FRED. W. STRONG.

Subscribed and declared by the said Frederick W. Strong before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Andrew Mathison.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Andrew Mathison, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare:

1. I have been a fur-seal hunter in the North Pacific Ocean and Behring Sea for seven years. In 1886 and 1887 I was on the schooner "Pathfinder;" in 1888 and 1889 on the "Annie C. Moore;" in 1890 on the "Triumph;" in 1891 on the "May Belle;" and in 1892 on the "Sea Lion."

2. I have always used a shot-gun; never a rifle. I shoot sleepers at from 10 to 20 yards range, and "travellers" at from 20 to 40 yards.

3. I don't remember the exact number of seals I got the first two years I was out, nor the number I lost by sinking. In 1890 I got 151 seals, and did not lose more than half-a-dozen. In 1891 I got 371, and lost about 17. I think that was the exact number. In 1892 I got 341, and sunk 8 or 9.

4. That more than half the seals I got on the coast in each year
69 were females. Most of these were young females and barren cows. About one quarter of the females would be with pup on the coast, but in Behring Sea I got no cows in pup. Some of the females there early in the season would be in milk, but not very many.

5. I have been sealing as far south as Point Arena, north of San Francisco. I have seen big schools of seals south of Cape Flattery in the months of January, February, and March. These schools were of all kinds of seals, both sexes, young and old.

6. Seals in schools are hard to get; very hard; they are wild, always more or less of them awake and watching. Hunters cannot get near enough to shoot them. The best sealing-grounds are where the seals are scattered and asleep. More than three-quarters of the seals I have got were sleepers. I never lost many sleepers by sinking. My losses were from the "travellers."

7. That I saw lots of seals on the coast this year, especially early in the season, when seals were more numerous than I ever saw them before. I saw more seals off Cape Flattery this year than anywhere else, and more there than ever before.

8. Very few wounded seals die. If badly wounded I always get them; if lightly wounded they escape and easily get well. I have got seals with old shot wounds on them perfectly healed. In the seven years I have been out I have found only two dead seals; neither were very long dead; the skins were sound.

9. The seals on the southern coast feed principally on salmon; up north on salmon and squid.

10. I got 144 seals on the Copper Island grounds this year. The only difference between those seals and the seals on this side, so far as I can see, is that they are tamer.

11. The "Sea Lion" left the Cooper Island grounds on the 13th September for Victoria. I saw seals scattered all the way over, and quite a number off Cape Flattery.

12. That to my knowledge seals have not decreased in numbers during the six years I have been sealing.

13. Male seals have teats, but smaller than the females, and except in the skins of old seals the skins cannot be distinguished by teats.

14. Cow seals with pup are very uneasy, easily disturbed, and hard to get, and this is more so as the season gets later. The females are then travelling nearly all the time.

15. That I have never seen old bulls or "wigs" farther north than off Queen Charlotte Islands.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ANDREW MATHISON.

Subscribed and declared by the said Andrew Mathison before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of William Shields.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, William Shields, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That for the last seven years I have gained my livelihood as a seal-hunter.

2. I went out first in the "Pathfinder," was in her in 1886 and 1887; in 1888 I was in the "Viva," and in 1889, as well as in 1890, I was in the "E. B. Marvin," and was in that vessel last year and this year.

3. During the last four years I have kept a daily record of the number of seals I secured each day, and the number that I killed and knew sank. These are the figures as given in my diary:

In 1889 I got 641 seals, and 32 I killed sank.
In 1890 I secured 475, and lost 21.
In 1891 I got 181, and lost 4 (this was on the coast; our vessel was warned).
In 1892 I got 408 skins, and lost 19.

No good hunter ought to lose more than I have done this year. I consider that I had very bad luck indeed. If a seal is wounded I chase him, of course, for as long a time as possible, and I am sure that the number of seals that are badly enough wounded to die is very small indeed. I know that if they are not badly enough wounded to be got they will very likely live.

4. I shoot at a sleeping seal when about 15 yards from it, and at a travelling seal when not more that 60 yards away, that is, with a shot-gun. Nearly every one prefers a shot gun to a rifle, but a good shot will do as well with a rifle. I myself would trust as much to a rifle as a shot-gun, because when a bullet hits a seal it is sure to kill it, and we seldom fail to get the seal.

5. I have found the seals in larger schools both south of Cape Flattery (off the Columbia River) and north on the Fairweather Grounds. I have seen forty or fifty together off the Columbia River. Seals are a good deal harder to get when they are in schools than when they are alone.

70 6. Before this year I found males and females, including grey pups, travelling together, but this year I found bulls in schools by themselves; I have seen fifty at one time, all of which I considered to be bulls. I have hunted in Behring Sea five years. On the coast I have killed, I think, a few more females than males, and in Behring Sea it was about the same. This year I got more males than females—about two-thirds were males—and this was the experience of all the hunters on the vessel I was on.

7. There is no difference between the seals on the Russian and the American side of Behring Sea, unless it is that those on the Russian side are a little darker in colour.

8. Three seasons ago I caught seals off Kadiak Island with milk in their breasts, but with no pups in their wombs. I thought at the time that there must be a rookery ashore somewhere, and spoke of it at the time. I took two one day that were this way; this was about the last of June.

9. This year I saw seals all the way across to the Commander Islands; not many, but always a few. We went south of the Aleutian Islands; of course, I could not tell whether the seals that I saw were those breeding on the Russian islands until I got within 100 miles of Copper Island; the others may have belonged to either the Pribyloff or the Commander Islands. I suppose that those I saw came from or were going to the nearest island.

10. On the passage home from Petropavlovsky, and when about 800 miles from Cape Flattery, I saw seals at sea. I don't know if they were seals from the Commander or the Pribyloff Islands. Two different years, when coming home from Behring Sea, we have taken seals 500 miles or so from Flattery, and every year we see some.

11. Three different years I went into Behring Sea through the 172nd Pass, and each year saw outside of the Pass a great many seals. I don't know whether they were going to the Pribyloff Islands or the Commander Islands.

12. I never looked to see whether male seals have teats, but have heard they have. I worked five years as a butcher before I went sealing, and know that steers and bulls have teats, and male sheep also.

13. I have seen more seals during the past season on the British Columbian and Alaskan coasts than I ever saw before except four seasons ago on the "Viva" when to the southward of Cape Flattery.

14. I would not swear that I have seen seals cohabiting in the water, but I know hunters who have, and I myself have seen the males and females together in the water, and have often killed both of them. They would be caressing one another just as people kiss one another. At such times it is very easy to get near them, and I generally get both of them. I shoot at the female first because the male will not then go away. I have taken the cow into the boat and the male would stay with the boat, coming up repeatedly alongside.

We do not shoot at old bulls often; the skins are worth very little, and the owners tell us not to shoot them. When two ordinary seals are together it is not easy to get both.

15. I also declare that I have read over the statements written down above, and that they are all true, and that I have received no consideration for the evidence I have given, and that there has been nothing omitted from the declaration that I wished put in.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WM. SHIELDS.

Subscribed and declared by the said William Shields before me, a Notary Public duly commissioned, and residing and practising in the Province of British Columbia, at the city of Victoria, this 24th day of October, 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration by Charles Albert Williams.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Charles Albert Williams, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I have been sealing five years. I was hunter for a short time the first year, and have been a hunter every year since. In 1888 I was on the "Penelope." I got 38 seals. I did not sink any of them, but may have wounded 2 or 3. In 1889 I was on the "Walter L. Rich," an United States vessel. We did not go into Behring Sea. I got 248 seals in three months, and by sinking lost 10. In 1890 I was on the "Penelope" again, securing 282 skins, and lost by sinking 7 seals. Last year I was on the "Viva," and got 382 skins, and lost three on the coast and ten on the Russian side, where I went later on. This year I was on the "Agnes Macdonald." I got 150 skins (we started very late), and by sinking lost five seals. A good hunter ought not to lose more than I do, but I have often heard hunters say they had killed a seal

that sank when I had seen the shot strike beyond it and the seal dive. You can always tell by the blood in the water whether you have really wounded a seal.

2. I shoot at a seal from 6 to 55 yards from it.

71 3. We every year see seals in schools. I saw as many as 150 this year together. They are very wild and hard to get at when they are in schools.

4. Both years when going to the Copper Islands I saw seals all the way across along the Aleutian Islands, and this year I saw seals in mid-ocean on the course home. I have seen them every year this way.

5. We started late this year, but when we got to the sealing grounds we found the seals as plentiful as I ever saw them before, and all the schooners we saw said the seals were more plentiful than ever before.

6. This year the sexes were about equally divided, but last year and the year I was on the "Walter L. Rich" they were nearly all bulls. On the Copper Island grounds I found the seals about equally divided, too, as regards sex.

7. I have noticed that male seals have teats; they are about the same size as on a young female.

8. I have seen a male and female together in the kelp often, as I thought cohabiting, but I am not sure of it. I have killed both; if the female is killed first, the male will stay about, and is easily shot.

9. All seals are wilder now on the coast than they were formerly, and the cows in pup are wilder than the others.

10. If the seals are well protected on the islands, there is no danger of their dying out, for we don't get more than one out of fifty we see—they are so wild.

11. I have noticed that in clear, calm weather seals are wilder than at other times, and are wilder where there are many schooners about than when there are a few.

12. If a seal smells a boat to windward there is little chance of getting him—not one chance in ten.

And I make this solemn declaration conscientiously believing the same to be true, and in virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES A. WILLIAMS.

Subscribed and declared by the said Charles A. Williams before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Colin Locke.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Colin Locke, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare:

1. That I have been engaged in sailing-vessels for fifteen years, and was engaged in seal-hunting during the season of 1892.

2. That although I reside at the said city of Victoria at the present time, I owe my allegiance to the United States of America.

3. That during the season of 1892 I secured sixty-seven seal-skins, and only lost five during the same period.

4. That I lost the said five seals by my own inexperience, as it was during the first part of the season, and I had no experience at that time.

5. I went up the coast on the schooner "Libbie," and at Kadiak I transferred to the "Annie C. Moore," and went to the Asiatic side.

6. I was both sealing-master [? sailing-master] and hunter.

7. Good seal-hunters do not lose more than 5 per cent. of the seals killed by them.

8. Very few seals are badly wounded that afterwards die and are lost.

9. In another way, besides my own experience I know if a seal is wounded and dies, it will always float until it rots and sinks.

10. When a seal is killed instantaneous it will sometimes sink.

11. I went up the coast this year in the track of the seals and saw but one dead one.

12. The hunters remarked at the time of this occurrence that it was a very rare thing to see a dead seal similar to this.

13. If a seal is badly struck it will certainly be secured.

14. It is a poor hunter's excuse when he says he killed a great many seals that he did not get.

15. On the way home this season we saw seals about 210 miles south-east of the 172nd Pass.

16. I do not know whether they came from the Commander or Pribyloff Islands, but as I had heard from more than one person that there was a rookery in the Aleutian Islands, I thought they might have been from there.

17. The skins taken on the Asiatic side seemed to be of better quality, but there is not any difference in the animals themselves.

18. The hunters stated that there were as many seals this year as on previous years, if not more.

72 19. I never noticed whether male seals had teats or not.

20. Our coast catch was about equally divided as to sex, and the catch on the other side was also about equally divided.

21. I killed more bulls than cows on the coast, and I got a few more cows on the other side than I did bulls.

22. Skins of old bulls are not worth much, and not many are killed.

23. If the seals are protected on the islands, I do not see how killing them at sea can lessen the numbers, as there will be more born each year than are killed.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) COLIN LOCKE.

Subscribed and declared by the said Colin Locke before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Emil Ramlose.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Emil Ramlose, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I have been seven seasons sealing—one year as boat-puller, one year as boat-steerer, and five years as a hunter.

2. In 1888 I was on the "Annie C. Moore" as hunter, and got 130 seals, and kept no count of the seals lost by sinking. I was on the same vessel the next year, and took 366 skins, and lost not more than twenty by sinking, but did not keep count of them. In 1890 I was on the "Triumph," and got 207 skins. Last year I was on the "May Belle," and got 246 skins, losing about 12 by sinking. I did not keep count in 1890. This year I did count them that were killed and sank before I could get them. I was on the "Walter A. Earle," and secured 415 skins, and lost 7 only; 2 of these were shot from the vessel, and I could not get the boat lowered in time to get them.

3. Very few escape badly wounded, as when wounded we chase them hard, and if they are at all badly hurt are sure of getting them.

4. I have found seals in schools all the way from Cape Flattery and below it north to the Fairweather Grounds. Seals in schools are very difficult to get at, even when there are as few as three together, for one or more is always awake, and gives warning to the others.

5. Males and females travel together. This applies to all ages and sizes, but I have never seen as many yearlings with them as I expected. I don't know where the yearlings go.

6. Before this year I killed more females than males, but this year took more males in proportion than ever before. I am speaking now of the coast. In Behring Sea I used to get more cows than bulls.

7. This year I went over to the Russian side, and on the way home our vessel went in to Adkah Island to water. Seals were seen between Kanaga Island and that island. We were about 10 miles from land then.

8. Other years I have seen seals—large seals—in July outside of the 172nd Pass, and in August between Unimak Pass and the Sannak (?) Islands.

9. Both along the coast and in Behring Sea I have seen barren cows, good full-grown cows, such as those we took with milk in their breasts.

10. I saw more seals this year than ever before on the coast. The most I ever got before on the coast was between 150 and 160, and this year on the coast I got 325 seals.

11. I have seen seals cohabiting in the water, or attempting to do so. Once I saw two seals in the water, one lying very quiet, as if dead, while the other was smelling around her. I kept getting nearer and nearer to them, and the larger seal, which was a good fair-sized bull, although he would look at me, made no attempt to go away, but kept fooling about the cow. I was afraid he would dive and get away, so when about 30 yards from him I fired. He was struck and breached, and I saw quite plainly his penis sticking out. I would have killed him, but he was such a large seal that the shot at that distance did not have much effect. The other seal, which was a cow, no doubt, then dived and got away. The boat-steerer saw this too.

12. I was boat-puller on the "Teresa" in 1886, and one day saw a hunter bring on board a bull with his penis out. He said he was with a cow when he shot him, and that the shot had killed him instantly.

13. I have seen Indians hunting; they use guns and spears. They use guns now more than formerly, for the seals are getting wilder, and they cannot get at them with a spear.

14. I do not think there is any difference between the seals on this side of Behring Sea and on the other side, unless it is that on the Russian side the seals are lighter in colour.

15. I have got seals with rock in their mouths, which they must have got from the bottom.

73 16. Seals change their feeding-grounds, and where a good many are got one year, few will be seen the next.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) EMIL RAMLOSE.

Subscribed and declared by the said Emil Ramlose before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Ernest Lorenz.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Ernest Lorenz, of the city of Victoria, in the Province of British Columbia, master mariner, a subject of the Empire of Germany, do solemnly declare as follows:

1. That I have been sealing three years—two years as master and one year as mate.

2. In 1890 I was mate of the "Juanita," in 1891 master of the same vessel (then called the "Mascotte"), and in 1892 master of the "Teresa."

3. I did no sealing myself, except now and then to go out with the hunters, when I shot a few.

4. This year I think there were more seals on the coast—that is, between the mouth of the Columbia River and Unimak Pass—than in the two previous years. This year I saw thousands of seals off Prince of Wales Island, just north of Dixon Entrance, and also just off where Pamplona Rock is supposed to be.

5. In 1890 and 1891 I was in Behring Sea. In one day in 1890, when in latitude 55° 6′ north and 169° 1′ west—the exact day, I see by my book was the 11th August—my hunters (Indians) got 130 seals, of which about 100 were males—small bulls. The following year I think I took more females than males in Behring Sea, though I did not keep a count.

6. In all years I have seen on every part of the coast seals in bunches or schools. Generally they are hard to get at when found this way, because some of the school are always awake. Many times I have seen them in a bunch, but one of the three was always awake and watching, the larger the number in the bunch the more awake and watching. Yearlings and 2-year-olds travel mostly by themselves, older males and females together.

7. Last year I saw seals in Barclay Sound. The seals go where food is to be found, and in different numbers in different years; last year a

large number of seals were taken at Barclay Sound, this year I went there for seals but got very few.

8. I was on the Asiatic side this year; the seals do not seem so wild on that side as on the American. When I first went over the seals were very tame—came right around the schooner and boats, but got wilder later on.

9. On the way over I saw seals from 80 to 100 miles south of the Aleutian Islands, and about the 180th meridian; also off the 172nd Pass. I don't know whether they were going to the Pribyloff or Commander Islands.

10. In 1890, on the way home, I saw seals at least 300 miles westward of Cape Cook, and got a few of them. This was about the middle of September.

11. I don't see any difference between seals on the American and Asiatic side, and don't think anybody can; they seem alike in all respects.

12. In my experience seals are not decreasing on the coast or in Behring Sea, so far as I know.

13. I have not noticed that males have teats, excepting "wigs." Male and female skins of the same size cannot be distinguished one from the other.

I have never seen seals cohabiting, but have heard others say they have seen them doing so in the water.

14. I have had Indian hunters; they used both spears and guns; as they get used to guns they prefer them. When Indian hunters approach two seals close together, they generally attempt to get both—one by spearing, the other by shooting.

15. Last year I got female seals in milk off Queen Charlotte Islands in July. That makes me think there is a rookery there. This year I saw old bulls ("wigs") off Coronation Island, and there may be a rookery there.

16. I know from my own experience that seals remain off the coasts of Vancouver Island all the year round, as well as off Queen Charlotte Islands and Southern Alaska. Captain Ferry, of the "W. P. Sayward," in 1891 told me he got about forty seals 400 miles westward of Queen Charlotte Islands in September 1891.

17. I have nothing else to say except that I think the killing of seals on the islands is more destructive than the killing on the coast.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ERNEST LORENZ.

74 Subscribed and declared by the said Ernest Lorenz before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Theodore Magnesen.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Theodore Magnesen, of the city of Victoria, in the Province of British Columbia, make oath and say:

That I have been sailing from this port four years—as navigator one year, and three years as master of sealing-schooners. I never hunt myself.

This year, when off Sitka, on the "Walter A. Earle," my vessel was boarded by a Lieutenant from the United States revenue-cutter "Corwin," who asked me to come on board that vessel in his boat. I said that I did not like to leave my vessel, but would answer the questions he would ask me. He then asked me some questions. The principal question was about the number of seals that sank. I told him between 4 and 5 per cent., and I believe he took down 5 per cent. I know there is not more than this, for several of my hunters keep count of the seals they lose by sinking. He asked me how I had found the seals as regards numbers. I told him I had seen as many as other years, and when he asked whether I had taken more males than females, I told him more males. I think he took that down. He asked me how it was that they had taken so few seals on the "Corwin," and told me that they had so far only got one young one. This was about the 15th April, I think. He said they could not get seals, and he did not know what was the matter. I don't think there was anything more said. Just then a seal was taken near the ship, and he got the carcase. It was a male, and I then told him that we were getting mostly males. He did not ask me to allow my hunters to be examined. Had he done so, I would willingly have allowed them to be examined. He didn't ask me to sign a paper; he just took down what I said.

In 1889 I was navigator on the "Minnie" when she was seized by the "Rush." In 1890 I was master of the schooner "Sea Lion," and in 1891 and 1892 was master of the "Walter A. Earle." I was every year in Behring Sea until this year, and this year was on the Copper Island side. I think in Behring Sea we get more females than males, and on the Russian side the sexes were about equally mixed. As I came home I saw quite a large number of seals south of the Aleutian Islands in September. This was a little to the westward of the 172nd meridian, and from 20 to 50 miles from the islands. I did not notice, and do not believe that there is any difference between the seals, unless it is that they are darker in colour on the Russian side.

If the seals were protected on the islands and in Behring Sea, there would be no danger of exterminating them.

I have seen seals cohabiting in the the water, and have heard my hunters say that whenever there is a large body of seals with the sexes mixed this will be seen.

I never had difficulty in locating my position within a few miles when in Behring Sea, no matter how thick the fog was.

I would like to say again that more male seals were got on the coast than usual this year, because the females are getting wilder and harder to get, besides, they keep travelling. The last three years I had over 1,000 skins for my coast catch each year, and two-thirds of them were males. Off Mount Edgecumbe I struck in with a large body of seals on the last day of March.

I have read the above statements carefully over, and swear that they are all true, and that no consideration was given me for having made them.

(Signed) THEO. MAGNESEN.

Sworn to before me at Victoria this 5th day of October, A. D. 1892.

[SEAL.] (Signed) THOMAS SHOTBOLT, *J. P.*

Declaration of Wentworth E. Baker.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Wentworth E. Baker, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That I have been five seasons sealing as a master each year; four years on the "Viva," and this year I was on the "C. H. Tupper." The first four years I hunted from the stern-boat.

2. The first year I got 75, and 8 sank; not more than 5 the second year. I got 67 and lost very few indeed. It is very rarely that a seal is lost. The third year I got 86, and did not lose more than 4. The next year I kept count; I got 55, and lost 1 by sinking. I am
75 a fair average hunter. Talking with my men I find that this is about the percentage lost, but this year fewer were lost. It is a common excuse of a hunter who has had bad luck during the day to say that seals sank. The hunters have three or four different kinds of gaffs and spears, some as long as the boat, and with these the seal is certain to be got; they carry one for each boat. A seal does not sink rapidly, and as the water is clear the seal can be seen, and they can tell just the spot it sank by the bubbles that rise to the surface.

3. I saw quite as many seals this year as I ever saw before. Other captains I have talked with found them this way too.

4. I have seen seals in schools on the coast, both north and south of Vancouver Island, and when in schools they are more difficult to get.

5. Cow seals with young are getting very much wilder and harder to get. I notice this in a lesser degree in the males as well, but not in very young seals.

6. I went last year to the Asiatic coast, and this year as well.

7. I have gone into Behring Sea through the 172nd Pass, and found seals about 20 miles inside the pass.

8. It is quite easy to see that male seals have teats, and it is not possible to tell a male from a female seal by the skin.

9. The only difference between the seals on the two sides of the Behring Sea that I have seen is that the seals are darker there (the Russian side).

10. I never saw seals cohabiting in the water, but I have heard from my hunters that they do so.

11. Along the coast in my catch this year and last year I got about 25 per cent. of cows. I used to get more than this, but the cows are wilder now. On the Fairweather Grounds this year the greater number of the seals taken by me were bulls. On the American side of Behring Sea the cows school together and bulls together, and the larger catches are made among the bulls, as the cows are travelling back and forward all the time, and where there are many to-day there will be none to-morrow.

12. If good Charts were made on which soundings were properly laid down, the nature of the bottom, &c., I could, if the depths varied sufficiently, tell pretty well where my vessel was.

13. This year the weather during the sealing season on the lower coast was very bad. If the weather had then been as good for sealing as it was farther north later in the season, my vessel, as well as all the others, would have got very many more seals on the coast. The seals were there in great numbers, but the weather was too rough to send the boats out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) W. E. BAKER.

Signed and declared by the said Wentworth E. Baker before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Isaac O'Quinn.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Isaac O'Quinn, of the city of Victoria, in the Province of British Columbia, Canada, seal-hunter, do solemnly declare:

1. That I have been fur-seal hunting two years on the North Pacific Coast and in Behring Sea; on the eastern side about two weeks last year, and on the Copper Island grounds this year over two months. Last year I was on the "Maud S.;" this year on the "Sea Lion."

2. That last year I got 76 seals on the coast, and lost 9 by sinking. In Behring Sea, eastern side, I got 75 seals, and lost one by sinking. On Copper Island grounds I got 84 seals, and did not lose any by sinking. I don't remember wounding any seal that I did not get last year.

3. This year I got 210 seals on the coast, and did not lose by sinking any at all. On the Copper Island grounds I got 137 seals, and I lost by sinking 4 seals. Two of these I lost by waiting to get a shot at another close by; the other two sunk before I got up to them. They were "travellers;" one I killed from the vessel; the other at about 60 yards range. I wounded two this year that escaped me.

4. Last year I did not get over twenty-five females on the coast, and this year not more than forty. The seals I got on the coast both years were scattered seals and mostly young bulls. Last year myself and the other hunters saved all the skins of pups taken from cows we could. When the season was over we had between twenty-five and thirty. These were, I am sure, fully half of all the pups we got from females. Last year now and then we got a female in milk, but none in pup. On Copper Island side last year and this my own catch and that of the other hunters was mostly bulls. Not more than six in a hundred were females. Sometimes for days we would get no females. None of these females were in pup, but most of them in milk.

5. Last year, in January, I saw numerous bands or bunches of seals off Cape Flattery. I was among these bunches five days, and got only five seals; they were so wild I could not get near them. Seals in

bunches are always wild. The best hunting is always among scattered seals.

76 6. This year I saw more seals off Cape Flattery in January than at any other place. They were pretty well in bunches and hard to get. The bunches were made up of all kinds of seals from old bulls to 2-year-olds. I have never seen a large band of seals of any one kind.

7. That I have noticed the teats on male seals as well as females; there is no difference in this respect between the skins of males and females.

8. That in both years I have been sealing I have got a good many barren females, principally on the coast. At least one-quarter of all the females I got were barren. Pregnant cows are generally harder to get than other seals. They are more restless and don't sleep so well as the bulls.

9. One day this year, on Copper Island grounds, there were seven or eight schooners, together with all their boats, out hunting. That day I found one dead seal on the water; it had been freshly killed. There were that day between thirty-five and forty hunters at that place shooting from 6 o'clock in the morning till 9 at night. That is the only one I ever saw.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ISAAC O'QUINN.

Subscribed and declared by the said Isaac O'Quinn before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Robert E. McKiel.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Robert E. McKiel, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I made my first sealing trip from San Francisco in 1887 on the "Mary Taylor," and have been out sealing every year since.

2. I have been out as master every trip. In 1888 I was on the same vessel ("Mary Taylor"), and in 1889 was on the "Beatrice." In 1890 I was on the "E. B. Marvin," and last year on the "Maud S.," and was out on that vessel this year.

3. I have never acted as hunter, but of course have gone out in a boat and killed a few seals.

4. I have noticed no difference in the number of seals that frequent the American coast, and this year saw fully as many as ever before, and my hunters say this too.

5. There are but few seals lost by sinking, certainly not more than 5 per cent. I heard my hunters counting up their losses this year, and for over 1,700 seals that were got by them about 40 were lost. I have altogether killed 52 seals and lost but one of them. There are some seals badly wounded that die afterwards, but the number is very small; if they are that badly wounded, the hunters are almost sure to get them.

6. We find the seals in schools now much more than we formerly did, and they are much wilder and harder to get now. I account for this by the fact that they are hunted more.

7. I think I have seen more seals every year than I saw the year before—very many more this year than the first year I was out.

8. At that time the seals were tame and curious, and nearly every one a hunter saw he got, but it is very different now; they know enough to keep well out of gun-shot.

9. We get more females than males, both on the coast and in Behring Sea; there were more males in proportion to the females this year than other years, I think; we get more bulls with the cows the farther north we go. Last year and this year I found more males in proportion to the females on the Russian side than I had found on the American side of the Pacific.

10. I had Indians with me in 1888 and 1889; they would spear principally, but now Indians use guns a great deal.

11. I could always tell pretty well how far I was from the Pribyloff Islands in the most foggy weather, and if good soundings that could be depended upon were marked on the Charts, and the nature of the bottom shown, I would have no difficulty in telling where I was.

12. I have noticed no difference in the seals on the Asiatic and on the American side of Behring Sea, unless it is that the seals are darker on the other side. I certainly could not tell them apart in the water.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ROBT. E. MCKIEL.

Subscribed and declared by the said Robert E. McKeil before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A.D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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77 *Declaration of Charles Campbell.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Charles Campbell, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I have been out on sealing voyages two years as master of the schooner "Umbrina." I was out on that vessel last year and this year.

2. I occasionally go out in a boat myself, as a good sealing captain ought to do; and, besides, a hunter is sometimes sick, and we cannot afford to have a boat idle.

3. I am no hunter, but this year I killed fifteen seals, and lost one only.

4. I went over to the Asiatic side of Behring Sea both last year and this year; last year through Behring Sea, this year outside.

5. Last year we saw seals on the way across whenever the weather was fine; there was no way of telling when we saw the last of the seals that frequent the Pribyloff Islands and met the first of those that were going to the Commander Islands.

6. I have had only two years' experience, but saw this year more seals than last year, and all my hunters said that they had never seen so many seals before.

7. The principal part of my catch was young males; there were more of them than of females.

8. I know from my own experience that cows are more on the alert than males, and can tell at once the sex in this way, and my hunters have told me the same thing.

9. My hunters have told me that seals are much harder to get now than formerly, and I know from my own experience that they were more difficult to approach this year than last year.

10. Seals are harder to get, too, when they are travelling in bunches; and I have heard old hunters say that it is no use trying to get seals when there are many together.

11. Besides the vessels that were seized, I have not heard of any vessels sealing on the American side of Behring Sea, and am sure if there had been schooners there I would have heard of it.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES CAMPBELL.

Subscribed and declared by the said Charles Campbell before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of George McDonald.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, George McDonald, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I have been out sealing six years—one year as mate and five as sailing-master. I was sailing-master of the "Kate" in 1887, the "Pathfinder" in 1888, the "Alfred Adams" in 1889, 1890, and 1891. The name of the latter vessel was changed to "Lily" in 1890, and she was wrecked in 1891.

In 1891, after the wreck of the "Lily," I was mate of the "Katherine," formerly called the "Black Diamond." This year (1892) I was sailing-master of the "Aurora."

2. The seals are quite as, if not more, numerous now as in former years, but I think they start north earlier.

3. On the coast, as a rule, more females are caught than males. In Behring Sea about equal numbers of the sexes are taken.

4. One year—in the month of August, on the "Lily"—I got seals 200 miles south of the Shumigan Islands, and I have found seals as far west as the 172nd Pass, in the month of September, when homeward bound.

5. That I saw seals cohabiting in the water once. The hunter with me at the time shot both seals. They seemed to embrace one another very firmly with their fins, or flippers. Hunters tell me it is easy to get seals when they are doing this.

6. If I had a Chart of Behring Sea showing plenty of soundings, it would not be hard to tell just where I was in respect to the Pribyloff Islands when the weather is thick.

7. That on the home trip of the "Aurora" this year, when 40 to 60 miles west of Vancouver Island, I saw a seal pup not more than 3 months old. All on board saw it. The stern boat put out for it, shot at it, but missed it. It was among kelp.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEORGE MCDONALD.

78 Subscribed and declared by the said George McDonald before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Joseph Hall.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Joseph Hall, of the city of Victoria, in the Province of British Columbia, Canada, seal hunter, do solemnly declare:

1. That I have been fur-seal hunting on the North Pacific Coast two years. This year I sealed on the Copper Island grounds as well as on the coast. In 1891 I was on the "Maggie Mac." This year I was on the "C. H. Tupper."

2. That in 1891 I got 96 seals on the coast and lost only 2. The "Maggie Mac" returned to Victoria in July, which accounts for the small catch—only 688 for the season.

3. In 1892 I got 147 seals on the coast and I lost one by sinking. On the Copper Island grounds I got 78 seals and lost none at all by sinking. I wounded some seals, got most of them, and those that escaped were not wounded badly.

4. I have seen small bands of seals off the mouth of Columbia River, and all the way up the coast from there to the Fairweather Grounds. Off Baker's Island this year the seals were very plentiful, as well as along the coast from there up to off Mount St. Elias during the month of May.

5. I saw just as many seals on the coast this year as last, but they were very wild—could hardly get near them, particularly so when they were in bunches—it was then almost impossible to get near enough to shoot them.

6. That I had nothing to do with skinning the seals, and do not know how many males and females I got in either year. I remember one day this year though when we got 113 seals, and they were all but 10 or 15 bulls.

7. On the Copper Island side this year I am sure we got no females in pup, and I only remember seeing one in milk. This seal was caught 200 miles nearly off shore, and had had her pup at sea.

8. That I shoot sleepers from 12 to 14 yards range, and "travellers" from 25 to 40 yards range. I do not use the rifle.

9. I do not know of any difference between the seals on the two sides of the Pacific, except that the seals on the Asiatic side seem a shade darker on the breast, but some of the seals there are exactly like those on the Asiatic side. The seals on the two sides are exactly alike in shape, but those on the Asiatic side, especially bulls, do not seem so fat as the American.

10. That this year I found two dead seals floating on the coast. One was a small-sized seal and had been dead about a day—he was wounded in the body. That day there were at least fifty boats out hunting at that place, and I believe this seal had been shot that day. The other seal was an old fellow, weighing 800 lbs. or 900 lbs., the largest seal I ever saw or that any of the hunters on the schooner had ever seen. There were no marks or wounds upon him; we examined his body carefully, and he must have died of old age.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOSEPH HALL.

Subscribed and declared by the said Joseph Hall before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of William Fewings.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, William Fewings, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare:

1. That I have been seal-hunting on the North Pacific Coast for six years, in three of which I was in the Behring Sea for the full season; in two others the voyages were broken up by the United States revenue-cutter "Rush" in one case, and Her Majesty's ship "Nymphe" in the other. In the year 1887 I was on the schooner "Favourite;" in 1888 on the "Viva;" in 1889 on the "Triumph;" in 1890 on the "Pathfinder;" and in 1891 and 1892 on the "Sea Lion."

79 2. In 1887 I got about 300 seals for the season—it was my first year out hunting, and I lost more seals by sinking than in any year since, but not more than 25 or 30.

3. In 1888 I got 502 seals, and did not lose as many as I did the first year in getting the 300.

4. In 1889 I got 140 seals—the total catch for eight hunters on the vessel was about 300—and I lost not more than 6.

5. In 1890 I got 493 seals; in 1891, 262 seals; and in 1892, 410 seals. In all these years I did not lose over 3 in 100; this year I lost 8 or 9, I think 8.

6. That I have not kept any record of the number of females or males I have got each season, but I think that the proportions are about equal. Sometimes we get more females than males, sometimes the reverse.

7. In January last, off Cape Flattery about 20 to 30 miles, I saw large bands of seals, in fact, I saw more seals there than ever before or

since at one place. We got very few each year out of these bands—this year I got only seventeen in five days—they were too wild to get at. Seals always are wild when in bands.

8. That judging by the number of seals taken on the coast this year by myself and all other hunters I am acquainted with, seals must have been more numerous this year than before.

9. That I shoot sleeping seals at from 10 to 15 yards range—according to the state of the water and whether they are sleeping or not. I shoot travelling seals at from 40 to 60 yards. About one-third of the seals I get are "travellers," and most of those lost are of this class.

10. That the large seals of both sexes generally travel together, except that as the seals near Behring Sea, the cows in pup gradually get off by themselves in bands, generally ahead of the main body.

11. Male seals have no teats that I have noticed, and those in the cows are not easily seen.

12. That in 1889 I got a cow-seal in Behring Sea about 40 miles from St. Paul Island with a new-born pup. I got the pup and kept it on board for two or three days. The mate killed it because it made so much noise. I have taken pups from the cows, put them in the water, and they would swim briskly away.

13. That I have found in my six years' hunting four dead seals. I examined them all, but found no wounds on them, and think they died natural deaths.

14. That I get all seals I wound badly, but sometimes a seal is hurt slightly and gets away. A seal that dies of his wounds floats, with head and tail under water and back up. I have often wounded seals, followed them up, and found them dead in this position. Very few wounded seals that hunters do not get die.

15. That I know of nothing that shows the seals to be decreasing. I saw great numbers of seals this year on the coast, and our catch was over the average, though we were behind the main body of seals.

16. One day the last of May or 1st June this year off Sitka, the "Sea Lion" was in company with the United States revenue-cutter "Corwin." We were told that the "Corwin" had been sealing on the grounds there some days before that. The seals on those grounds then were principally females heavy with pup making for the sea ahead of the main body. We had been sealing there about the same time, and got more females there than at any other part of the coast.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WM. FEWINGS.

Subscribed and declared by the said William Fewings before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of David Laing.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, David Laing, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I was first engaged in the sealing business in 1867. I was out that year in the "Favourite;" we had an Indian crew. I was out in 1868, 1869, and 1870, and in 1879 was sealing on the "Onward." I was on the "Favourite" again in 1888; in 1889, the "C. H. Tupper;" in 1890 on the "Venture;" and in the "W. P. Sayward" the last two years. During the past two years I have been out as mate and hunter with the stern-boat, and the three previous years I was out as mate.

2. I got twenty-six seals last year, and lost none of them by sinking, and this year I got forty-two without losing a single skin by sinking. A seal that is at all badly wounded we are almost sure to get; one is seldom lost when badly wounded.

3. Last year, when 2 miles off , we got eighteen seals in September; they would spring up, and we did not wait to hunt them.

4. I saw more seals this year than ever before, and most of them were travelling.

80 5. I have seen seals travelling in schools both north and south of Cape Flattery; they are more difficult to get them, as they are very wild. I have noticed that seals are wilder than they were.

6. Sometimes a band of bulls might be seen together, but as a rule the males and females travel together, and with them are mixed the yearlings.

7. I prefer shooting at a breaching seal to any other, and for a "breacher" use 5 drams of powder and 28 buck-shot. I use 21 shot for a sleeping seal.

8. There is no danger of seals being exterminated; the large catches this year prove that no harm has yet been done, and if the seals are protected on the islands they will be all right.

9. I have noticed that male seals have teats, and on looking at a seal for sex I would not trust to them unless the seal were an old bull. I have handled many thousand skins, and could not tell the sex of the seal from which they were taken by the skins.

10. I have hunted much with Indians in early days; they had a superstition about having guns in their canoes, but now they use both gun and spear. If they could only have the gun or spear, and not both, the young men would choose the former and the old men the latter.

11. I think that on the coast there are more females than males, but in Behring Sea (American side) there are more males than females. It was the same on the Russian side; the seals there are much larger—at least those I have seen were—than those on the American side.

12. I have seen barren cows and killed them with the other seals; they were principally old seals.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) DAVID LAING.

Subscribed and declared by the said David Laing before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of August Reppen.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, August Reppen, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare as follows:

1. That I have been captain or mate on schooners engaged in the sealing business for the past nine years.
2. I have been engaged on the steam schooner "Grace," and the schooners "Kate," "Mary Taylor," "Viva," "Pathfinder"—now called the "Pioneer"—and this year I was on the "Fawn."
3. While I was engaged as mate on the different schooners I was also engaged a portion of the time in seal-hunting.
4. During the entire time in which I have been seal-hunting I have not lost more than three seals by sinking.
5. I notice no difference in the seals now and nine years ago, with the exception that they are wilder.
6. I saw more seals during the year 1892 than I ever saw on any previous year, and I am informed by my hunters to the same effect.
7. When a seal is wounded the chances are 10 to 1 that it is secured by the hunters.
8. If a seal is wounded it is chased until it is secured. I have chased a seal for half-an-hour after I wounded it before I secured it.
9. I have seen seals travelling in schools, and at such times they are much more difficult to secure.
10. The males and females travel together.
11. I have opened seals and know that they eat fish, but they also eat shrimps and insects.
12. I have never been on the Russian side of Behring Sea.
13. I have seen seals cohabiting in the water; they do this in the same manner that cats and dogs do on land.
14. I have been hunting with Indians; in calm weather they prefer the spear, but as a rule they now prefer the gun for sealing.
15. Quite a number of barren females are killed on the coast.
16. Very few old bulls are taken.
17. The only protection necessary for the seals in my opinion, is to protect them on the islands.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) AUGUST REPPEN.

81 Subscribed and declared by the said August Reppen before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 27th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Thomas H. Brown.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Thomas H. Brown, of the city of Victoria and Province of British Columbia, do solemnly declare as follows:

1. I have been seal-hunting five years—the first year as a boat-steerer, and the past four years as a hunter.

2. In 1889 I was on the "Mary Ellen;" in 1890 on the "Maggie Mac;" and last year and this year on the "Maud S."

3. I have kept count each year of the number of seals I have killed. In 1889 I got 370, and lost less than 7 or 8. I am sure there were less than that number lost by sinking, but will say 8, so that I can safely swear to it. In 1890 I got 388 skins, and lost by sinking 12 seals. Last year I got 331 skins, and lost 10 by sinking. This year I got 348 skins, and lost by sinking 7 seals. I kept count of the number that sank, and know exactly. I consider that no average hunter ought to lose more than I have lost.

4. I and other hunters make sure that we are close enough to a seal to make us reasonably certain of getting it before we shoot at all.

5. I use both a shot-gun and a rifle, but seldom a rifle, and then only at travelling seals on a calm day, and a rifle is never used except when the seal is too far away to shoot with a shot-gun. I didn't kill more than twelve with a rifle this year.

6. I shoot at a sleeping seal when about 15 yards away, and most of the seals we get are sleepers. There is no chance of a seal sinking before it is got if only one is shot, but sometimes when two are together, and both are shot, one may sink while we are after the other. Most of the seals I lost were lost in this way.

7. I have every year seen seals in schools both south of Cape Flattery and north along the coast to the Fairweather Grounds, but seals are very hard to get then; they seem to be on the look-out, and if one shot is fired all make away.

8. I am sure that I don't shoot at one out of fifty seals that I see—probably not one out of a hundred.

9. Male and female seals travel together, and, as a rule, the yearlings are with them, but I have seen schools of young seals together.

10. The older seals are harder to get than the young ones, and the females are much harder to get than the males.

11. I have found that their principal food is squid.

12. Last year and this year I hunted on the Asiatic side of Behring Sea in the summer. On the way across last year through the sea we saw seals whenever it was fine, and got some, and this year we saw some seals south of the Aleutian Islands as we went across.

13. I found as many seals last year as the year before, and this year I saw more than ever before.

14. I have seen seals cohabiting in the water, and have been as long as five minutes getting up to them when they were doing this; even though they would see the boat they would pay no attention, and I have killed both the male and female at such times; the cow was all under water but her nose, and the bull was a good-sized one. I had no doubt whatever about what they were doing. The bull made a great deal of noise.

15. I have always taken along the coast more males than females, and in Behring Sea the sexes were about equal. On the Asiatic side this year they were about equally divided too.

16. Since I have been hunting I have not killed more than 8 or 10 old bulls. They are so large that they must often be skinned in the water, and they take so much time, and are worth so little, that we seldom bother with them.

17. Since I have been sealing I have seen two seals floating dead on the water; seals float a long time when they come to the surface this way. I have seen one that had been in the water so long that the hair and fur pulled out.

18. Seals taken in July and August in Behring Sea bring a better price than the spring catch, and the fur, I believe, is better.

19. I have not heard of any schooners sealing in Behring Sea on the American side this year but those that were seized, and I do not believe that there were any other vessels there.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) THOS. H. BROWN.

82 Subscribed and declared by the said Thomas H. Brown before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 26th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Neil Morrison.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Neil Morrison, of the city of Victoria, in the Province of British Columbia, Canada, seal-hunter, do solemnly declare as follows:

1. That I have been five years in sealing-vessels on the North Pacific Coast and Behring Sea—one year boat-steerer, and four years hunter. In 1885 I was on the schooner "Mary Ellen" until May, then went on the "Favourite" into Behring Sea. In 1886 I was on the "Thornton." In 1887 I was on the "Mary Taylor." I was not out in either of the years 1888, 1889, or 1890. In 1891 I was on the "Penelope," and this year on the "W. P. Sayward."

2. That I am unable to give definitely my catches for the first two years I was hunting, but as nearly as I recollect in 1886 I got about 300 in Behring Sea up to the beginning of August when the "Thornton" was seized. In 1887 I got about 420 up to about the same date as the year before. All these for both years were taken in Behring Sea.

3. In 1886 my catch was about two-thirds bulls; no cows in pup; some in milk and some barren cows. In 1887 I think something over half I got were cows; none in pup—some, I think about one-quarter—in milk, and the remainder barren cows and young females.

4. In 1891 I got 119 on the coast, and lost by sinking 6. About half, not more, of these were females. Of the females not over 30 were in pup. I remember this because we got among a lot of females off Iphigenia Bay in May, and got there in two or three days nearly all the females we got on the coast that year.

5. In 1892 I got 202 seals on the coast, and lost by sinking 10 at the most. Out of the 202, about 65 or one-third were females. The females were about half in pup and half barren and young females.

6. Last year and this I was over to Copper Island Grounds hunting. Last year I got 132 seals there, and this year 82. The females numbered about half the catch each year. None of them were in pup, and not over 20 in milk. I skinned all the seals I got, and remember these things very well.

7. That so far as my experience goes, I believe the fur on the seals of the Asiatic side to be slightly thicker and darker than that of the seals on this side, but in other respects the seals on the two sides are exactly alike.

8. Last year the "Penelope" crossed Behring Sea from 40 miles inside Unimak Pass to the Commander Islands. I saw seals on three different days going over, the last lot just west of the Russian and American demarcation line.

9. That I shoot sleeping seals at ranges of from 10 to 30 yards, and "travellers" all the way from 40 to 100 yards. Most of the seals I lose are "travellers."

10. That in every year I have been out I have seen seals in schools or bands all along the coast in number from 200 to 300 to 400 and 500. This was especially so in 1885 and last year. I saw more seals on the coast this year than in any year before. The seals are getting wilder now than when I first went out, and when found in schools they are very hard to get.

11. That I was taken prisoner this year by the Russian man-of-war "Zabiaka" while out hunting, and came home on the "Rosie Olsen." I saw seals all the way from Petropaulovski to within 500 miles of the American coast-line along the 49th parallel north. This was between the 23rd August and the 10th September. We got to Victoria the 22nd September.

12. That I have in the five years I have been out found two or three dead seals floating. This was in 1887. One I had shot a little while before myself, and lost him in the fog. The others had been dead some days. Both had been killed by shot.

13. That when I wound a seal badly I always in fair weather get it; if slightly wounded it will escape and no doubt get well. Seals are not much affected by slight wounds. I have got seals with bunches of shot in them that had been there for some years.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) NEIL MORRISON.

Subscribed and declared by the said Neil Morrison before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 29th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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83 *Declaration of Henry S. Browne.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Henry S. Browne, of the city of Victoria, in the Province of British Columbia, sealer, do solemnly declare as follows:

1. That I was first sealing twelve years ago. I was then on two trips looking for fur-seals, the last one occupying fourteen months.

2. I worked principally among the Auckland Islands; nearly all the seals were taken ashore, but some were killed in the water.

3. An attempt was made to protect them on the land, and it was supposed that no seals were taken during the six months of the year that the seals go ashore, but the vessel that was to protect them scarcely ever went there.

4. I was once fourteen months in the vicinity of the islands, and lived six months ashore. The rookeries are quite different there from those in Behring Sea. The seals haul out on rocks and under cliffs and on beaches.

5. We secured about 1,300 seals while we were there.

6. Other vessels were there, but they did not secure such good catches, as they were not as familiar with the place as we were.

7. We hunted on the Campbell Islands, and secured several hundred seals.

8. We secured about nineteen seals on the Bounty Islands, a group of small rocks.

9. I have been through the Straits of Magellan, and saw plenty of seals there, but did not hunt them.

10. At the Auckland Islands most of the seals are secured by lowering the men down over cliffs with ropes, sometimes 900 feet down.

11. I have been engaged for five years on the Pacific Coast and Behring Sea as a boat-puller, but never did any hunting.

12. This season I saw more seals than I ever saw on any previous year, and I have heard our hunters make the same statement.

13. We secured many more males than females during the present season, and there have been more males than females this year, but there were more in proportion this year than any other.

13. Very few seals are lost by the hunter killing them and not securing them.

14. I went to the Copper Island side this year on the "W. P. Sayward," and saw seals all the way across, and also on the way home again.

15. On the way home from Copper Island we sailed through great numbers of seals when about 700 miles from Petropaulovsky, and about 300 miles south of the Aleutian Islands, but having no arms at that time, we did not secure any of them.

16. When on the Auckland Islands I have watched more than one pup suck from the same cow as she lay asleep, and heard there that when a mother dies another female would suckle it (the pup).

17. From my knowledge of seals, both on land and in the water, I know that there is no danger of their all being killed off.

18. I saw little pups about the middle of August at Copper Island eating small squid and other things along the beach, and never saw the mothers going near the little bunches of seals that were hunting for food for themselves along the shore.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) H. S. BROWNE.

Subscribed and declared by the said Henry S. Browne, before me, a Notary Public duly commissioned and residing and practising at the city of Victoria, in the Province of British Columbia, this 29th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Victor Jacobsen.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Victor Jacobsen, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I have been eleven years master of vessels engaged in the sealing business.

2. I have been on only three vessels, the "Mountain Chief," the "Minnie," and the "Mary Ellen" this year.

3. I have always had Indians with me, and some years have had white men.

4. Every year I have hunted myself, going out in the stern-boat as a rule.

5. I have never lost many seals by sinking, and no good hunter does, for we can always tell whether a seal will sink or not if shot in a certain place.

84 6. I got more than thirty seals this year, and lost one by sinking, and lost it only because I, instead of gaffing it myself, gave the gaff to the boat-puller while I got ready to shoot another seal.

7. Last year I got very few seals, but the year before I got 308 seals, and lost by sinking not more than 6 or 7.

8. Very few seals are so badly wounded that we don't get them, and they then die afterwards, for if wounded we keep after them until we get them, and if we don't get them they are not likely to be badly enough wounded to die. A hunter feels worse about losing a seal he has killed than if he misses fifty.

9. Major Williams, an Agent of the United States Government, asked me about this last spring, and, as nearly as I can remember, I told him just what I have said now, and he took what I have said down.

10. I don't remember figures for other years, but the percentage lost was about the same.

11. I have seen seals travelling in schools, both south of Cape Flattery and north to Behring Sea. At such times they are very difficult to get, and if fifteen or twenty are together it is impossible to get any of them.

12. The large males and females always travel together, and the young seals are, as a rule, scattered all over, and, as a rule, behind the older seals.

13. I saw as many seals this year as last year, and two years ago I saw as many seals as at any time during the past five or six years, but not so many, I think, as when I first began hunting seals. Seals are more scattered now, and much wilder and harder to get. Formerly we could tell pretty well where the seals were, but now they are so scattered that we have to look for them.

14. I never noticed that male seals had teats.

15. My experience has been that about three out of five seals taken on the coast are females, and about the same in Behring Sea.

16. At first all the Indians I had used spears solely; they would not allow one another to carry guns, as they said they would frighten the seals, and for four or five years nothing but spears were used, but now they use both guns and spears; they spear the seal if they can, but if they cannot, they shoot it.

17. Major Williams asked me last spring much the same questions as I have been asked now, and I gave him the same answers. What I said was written down and read over to me, and I signed the paper.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) VICTOR JACOBSEN.

Subscribed and declared by the said Victor Jacobsen before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 29th day of October, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of John Williams.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, John Williams, of the city of Victoria, in the Province of British Columbia, Canada, seaman, do solemnly declare:

1. That during the sealing season of 1892 I was mate of the British sealing schooner "Brenda," sailing out of Victoria, British Columbia.

2. That the "Brenda" left Victoria on the 30th March, 1892, and sailed north along the coast, hunting seals as we went. We got 409 seal-skins on the coast, and about the 25th June the "Brenda" left the vicinity of Kadiak Islands for the Copper Island sealing grounds, at which we arrived on or about 24th July.

3. That on the voyage over, when off the Rat Islands, about 90 miles south, I saw numbers of seals travelling towards those islands. To all appearance they were the same as the coast seals.

4. That when the "Brenda" was about 40 miles south of Atu Island I saw seals; the weather was too rough to hunt, and we kept on towards Copper Island.

5. That the hunters got 511 seals at that sealing ground. I saw all the seals taken, both on the coast and at Copper Island, and it was my duty to see that they were properly skinned and stowed away. The only difference I noticed between the two lots of skins was that the Copper Island skins seemed to me a little lighter in colour, certainly not darker. There were numbers of skins, however, exactly like the skins we took on the coast, and there were plenty of skins taken on the coast just as light in colour as any taken off Copper Island.

6. That I saw more seals off Middleton Island this year than at any other place during the voyage. This was in the early part of May.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN WILLIAMS.

85 Subscribed and declared by the said John Williams before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 28th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of James W. Todd.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, James W. Todd, of the city of Victoria, in the Province of British Columbia, Canada, master mariner, do solemnly declare:

1. That I have been master of sealing-schooners every year except one since 1886, and hunted fur-seals all along the American coast of the North Pacific, in Behring Sea, and on the Copper Island grounds.

2. In 1886 I was master of the "Rustler," of Victoria; in 1887 in the "Lily L.," of San Francisco; in 1889 in the "City of San Diego," of San Francisco; in 1890 on the " ," of San Francisco; in 1891 on the "Penelope," of Victoria; and in 1892 on the "Enterprise," of Victoria.

3. That I generally hunt myself when the weather permits my leaving the vessel. I usually get from 20 to 50 seals in this way. I am sure that I never lost more than 2 in any one year by sinking, and remember some years I did not lose any in that way.

4. That my experience with hunters has invariably been that good average hunters lose by sinking very few seals, not more than 4 in 100. Poor hunters often attribute their poor catch to the seals sinking after being shot, but I know that it is much oftener the case that they miss the seal shot at.

5. That last year, 1891, I saw more seals on the coast from off Columbia River right up to Kadiak Island than I ever saw before in one season. This year I was late going up, and sealed only on Copper Island side.

6. That in September last on my voyage home from the Asiatic side I saw seals in mid-ocean 200 miles east-south-east of Atu Island.

7. That I have seen every year the seals in schools all along the coast. When in schools and even in bands of two and three the seals are difficult to get, some one or more of the band being always on the look-out.

8. That, generally, I have taken more males than females on the coast; in fact, I remember no year in which I got on the coast more females than males. Most of the females would be in pup; a number barren, that is, a cow having neither pup nor milk in her, the balance being young females.

9. In Behring Sea I got more than rather half females; now and then one in pup. A majority of the females taken in the sea were in milk. I have only been in Behring Sea two seasons. In 1887 I was seized with 197 skins, and in 1891 I was ordered out without having taken any skins.

10. When ordered out in 1891 I was about 30 miles northward of Unimak Pass. I at once sailed across the sea westward to the Copper Island grounds, following a course along the 55th parallel north latitude. I saw seals all the way across to the Commander Islands; some of the seals were sleeping, others travelling, some east, some west—most of them going east.

11. That male seals have teats, and that it is impossible to tell the skins of males from those of females by the teats. In 1887, after seizure, my vessel was taken to Unalaska. I had on deck a number of male seals unskinned. At Unalaska they were taken ashore, and the expert there, employed by the Alaska Commercial Company, pronounced them females. It was not till the sexual organs were examined that this expert would admit that the seals were males.

12. That in all my experience I have known of only two "floaters," that is, seals dead on the water. I don't know the cause of death in either case.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JAMES W. TODD.

Subscribed and declared by the said James W. Todd before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 28th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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86 *Affidavit of William A. Farley.*

I, William A. Farley, of the city of Victoria, make oath and say:

That I have been out three years as a seal-hunter; in 1890 on the "Ocean Belle;" in 1891 on the "Carlotta G. Cox;" and this year in the "Mascotte."

I shoot at a seal when 15 or 20 yards from it. I was mate as well as hunter this year, and went out in the stern-boat. I lost no seals, but only killed 29. I got all of them. I do not examine seals carefully, but think that in Behring Sea more females are got than along the coast.

(Signed) WILLIAM A. FARLEY.

VICTORIA, *September 30, 1892.*

Declaration of Melville F. Cullen.

I, Melville F. Cullen, of the city of Victoria, in the Province of British Columbia, solemnly declare:

That I have been two years seal hunting—last year on the "Carmolite" and this year on the "Agnes Macdonald." I was out both years as master. I went north too late this year to be able to form an estimate as to whether there were more or fewer seals this year. I found seals 175 miles west of Pribyloff Islands last year; that was as far as I went. I went to the Russian side this year. Coming back we saw seals in the North Pacific 300 or 400 miles from the Aleutian Islands in September.

Last year my vessel secured 2,400 seals, and I never heard the hunters speak of losing many.

(Signed) MELVILLE F. CULLEN.

VICTORIA, *September 29, 1892.*

Declaration of John Christian.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, John Christian, of the city of Victoria, in the Province of British Columbia, sealer, do solemnly and sincerely state and declare as follows:

I have been sealing two years on the North Pacific Coast and Behring Sea. In 1891 I was on the "Ocean Belle" as hunter, and in 1892 on the "Mascotte," in the same capacity. In 1891 I got 303 seals, and this year 144. In 1891 I lost not more than ten, principally seals I shot from the schooner, and which sank before I could get a boat over and reach them. In 1892 I did not lose any, except one that slipped out of the hands of one of the boatmen. A few seals might have been badly wounded and escaped. Some of these might die, but the number is very small.

I shoot sleeping seals from 15 to 20 yards, and "travellers" and "breaching" seals from 20 to 50 yards' range. About two-thirds, perhaps more, of the seals I got were shot sleeping.

In 1891 I saw seals in greater numbers on Fairweather Grounds than at other places. I have seen seals in bunches, or schools, all along the coast from Cape Blanco north. Off Fairweather Grounds the schools were more numerous and in larger numbers. Seals in schools are much harder to get at than when found singly. Some of the seals in the school are always awake, and those awake warn those asleep. I have seen seals on approach of a boat go up to seals asleep and strike or shove them to awaken them. Sometimes they "breach" alongside the sleeper to wake it. Sometimes we get among young seals, mostly males, for a day or two, then among cows and bulls mixed. On the coast I have noticed more salmon food in the stomachs of seals than anything else, but in Behring Sea it is mostly squid.

I cannot detect any difference between seals on the American and Asiatic coasts. I have seen seals in small numbers about 200 miles south of the Aleutian Islands, in mid-ocean. This was about 1st September. Seals are not so wild on the Asiatic side as on this side.

On the coast I got about equal numbers of male and female, and rather more females than males on the Asiatic side. I saw fewer seals this year than last on the coast, but nearly all hunters I have talked with tell me they saw more this year than ever before.

I don't think male seals have teats, but I never examined them to see.

I have never seen seals cohabiting in the water.

Indian hunters now use mostly guns; a few use spears still.

Cows with young are more on the watch than others, and much harder to get; in fact, all female are harder to get than males.

This year I got four or five old bulls; most hunters get about that number.

I have read the above, and have nothing more to say that I think of.

And I, John Christian, make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN CHRISTIAN.

87 Signed and declared at the city of Victoria, British Columbia, this 6th day of October, A. D. 1892.

(Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Walter Heay.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Walter Heay, of the city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly and sincerely state, and declare as follows:

I have been seal-hunting six years on the Pacific coasts of America and Asia, and in Behring Sea on both sides.

In 1885 I was on the "Lily L.," of San Francisco, as boat-steerer. In 1886 I was on the "Maggie Mac," of Victoria, as boat-steerer. In 1887 I was on the "Mountain Chief." In 1889 I was on the "Maggie Mac;" also in 1890—both years as boat-steerer. In 1891 on the "Annie C. Moore," as boat-puller, and 1892 on the "W. P. Sayward," as hunter.

I got this year 168 seals, and lost by sinking not more than 15, all off Copper Island, and all "travellers."

I did not wound more than five, some of which may have died.

Sleepers I shoot at from 15 to 20 yards' range, and "travellers" from 25 to 50 yards' range. Over two-thirds of the seals I got were sleepers.

I saw more seals on Fairweather Ground in May than anywhere else this year, and in 1890 saw seals in greatest number on Shoo-Fly Banks, about 100 miles off Cross Sound.

Some days I have got mostly cows, others young bulls, but generally find them mixed up—all ages of both sexes—the farther south the more mixed, but north of Fairweather Grounds the diffierent kinds seem to separate in large bands. From Cape Blanco to Fairweather Grounds I have seen seals of both sexes and all ages, except old bulls, in schools. I don't think old bulls go far south; I never saw any old bulls south of Baker Island. Seals in schools are hard to get; there is one fellow always keeping watch. If a boat gets within 200 yards of a school, the fellow on watch "bleats" and rushes among the sleepers, jumping upon them, and in two or three minutes the whole school disappears.

On the coast the seals eat principally salmon, in Behring Sea principally squid.

I don't see any difference between seals on Copper Island side and the American side, except that they are a little darker on the breast and belly, and a little tamer.

In 1890, about 300 miles westward of Queen Charlotte Island, I saw quite a number of young seals sleeping.

This year there were more seals on the coast than ever before in my six years' experience.

My catch this year was over two-thirds young bulls, about twenty-five or thirty barren cows, the rest with young. The hunters I was with in former years generally got about that number of barren cows. They generally travel with young bulls.

Male seals have teats, but they don't show as plain as cows.

I have seen seals cohabiting in the water in Behring Sea. The bull gets right on top of the cow, whose head is just out of water. The bull keeps squealing; I have seen them in this position upwards of five minutes. If the bull is killed first the cow goes away, but if the cow is killed first, the bull stays around, and is often got too.

Indian hunters use guns more than they used to, and fewer use spears every year.

Pregnant females are not so easy to get as other seals. They don't sleep good—seem always awake and watching.

All seals on the coast are not nearly so tame as they used to be, but there are more of them.

New-born pups swim if thrown into the water. I remember one that I took from a cow and threw overboard that swum after our boat for over an hour. It, however, made so much noise that I caught it again and killed it, as it interfered with our hunting.

I have read over the above, and declare that I have nothing further to say on seal-hunting, and that I have voluntarily made this statement.

And I, Walter Heay, make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WALTER HEAY.

Signed and declared at the city of Victoria, British Columbia, this 6th day of October, A. D. 1892, before me.

(Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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88 *Declaration of Matthew McGrath.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Matthew McGrath, of the city of Victoria, and Province of British Columbia, do solemnly and sincerely declare:

1. That I was this year engaged as hunter on the sealing-schooner "Geneva," and that on that vessel sealed from the Columbia River north along the Alaskan coast, and then went to the Asiatic side of Behring Sea.

2. I secured this year 174 skins and lost 3 seals that I killed and could not secure before they sank. I did not wound more than 5 or 6 badly enough to cause their deaths afterwards, and am not sure that any I so wounded would die.

3. More than half, I think, of the seals I took on the coast this year were females, and the same is true of the seals taken on the Asiatic side.

4. I saw seals in small schools this year, but a seal is harder to get when one of even a small school than when it is alone.

5. I shoot at seals when 20 or 30 yards from them, seldom, if ever, more than 30 yards away, but at sleeping seals at much shorter range.

6. I took seals on both sides of the Pacific Ocean this year, and saw many others, but I could not see, and do not believe there is any difference between the animals frequenting the two places.

7. I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) MATTHEW MCGRATH.

Declared before me at the city of Victoria this 14th day of , 1892.

[SEAL.] (Signed) A. L. BELYEA,
Attorney Public in and for the Province of British Columbia.

Declaration of Captain Albert C. Folger.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Captain Albert C. Folger, at present of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I am a citizen of the United States of America.

2. This is the first season for nineteen years that I have not been out, either sealing or otter-hunting.

3. I was first six years sea-otter hunting, sailing from San Francisco. We did not kill many seals then, as they were not of much value at that time.

4. In 1882 I went to Japan, and ever since then have been seal-hunting, not otter-hunting at all. We sailed from Yokohama, followed the seals right up to the Commander Islands. At that time we used only rifles, but we then could shoot as well with rifles as hunters now do with shot-guns; we learned to use the rifle well when otter-hunting for seasons. I sailed for the Liebes firm of San Francisco, and it was that firm that sent me to Japan; they had two vessels sailing from Yokohama, supposed to be sea-otter hunting, but they were sealing. This firm has since claimed that they never had vessels sealing, but I know that they took seals, not only in the water, but on the shore as well. I would not like to say where.

5. In 1882 there was a fleet of thirteen schooners sealing on the Japan coast; they were mostly under different flags. A good many of them were seized by the Russians under the charge of raiding, but the charge could not be proved, and one of them was not near the islands at all; five were seized, I think. The "Helena," one of the vessels, was seized when 16 miles from the Siberian coast; no redress was ever got.

6. Besides the rookeries on the Commander Islands and Robben Reef I know of hauling-out places—not rookeries—one place was a little island called Racoky, right in the middle of the Kurile group. Vessels went there every year sea-otter and sea-lion hunting, and no seals had ever been seen there, but in 1886, when on the "Penelope," Captain Miner, we were surprised to find thousands of seals hauled out there. I had been at this place for the three previous seasons—there must have been 12,000 or 15,000 seals—among them 700 or 800 pups. We took 4,000 skins, and had not salt to cure more. The story got about in Yokohama, and an owner of a schooner in Yokohama telegraphed Hakodate to a captain there of the schooner "Diana," and that vessel went to the island and got about 1,500 skins. We went there the next year; the whole fleet agreed that we would not go there until July so as to give the seals a chance to come ashore, but one captain went then, and not knowing the habit of the seals, began to kill them as they came ashore; he soon had them frightened, and none would land; that fall I came over to this side.

7. Captain Snow—in 1879 I think it was—found seals on Mooshir Rocks. I and all the other hunters had been there the year before and other years, but never saw seals. The whole fleet went there the next year, but in the meantime the Japs had got those islands from the Russians and had landed men on every one that seals had ever been
89 heard of on, and we got none. I went later in the season to Robben Reef in the "Adèle;" there were eleven schooners there, and altogether we got 3,800 seals; we killed them all, or drove them away.

8. It is a very simple matter to make a raid if it is gone about properly. All you have to do is to go quietly to the seals and drive a few of

them to one side, and then go back for more when they are killed. I know a captain who had found a rock in the Japan seas on which there were seals, but he never could find it again.

9. I know from the experience I have had that it is a common thing on that side for seals to haul out on new grounds, and every schooner always made a point of stopping at every barren rock to have a look for seals. I have always thought that seals hauled out on the Alaskan coast in this way, but never succeeded in finding the place.

10. Before Alaskan Commercial Company got the Pribyloff Islands there was a rookery on the south side of Unimak Island. A man told me this about fifteen years ago, and said that the passage between there and the mainland must have got blocked with ice in a manner to allow the bears to get across, for they were found there, and have since increased wonderfully. Bears are fonder of seals than any other food. I know that the people of Attu and Atka are not native there; they were taken there for the purpose of hunting sea-otter.

11. At Neah Bay in 1879 I saw a bitch nursing two pups that had been cut from their mother; the bitch did not seem to know the difference between them and puppies. I was there a month or six weeks, and they were still alive and doing well when I left them; it has always been a mystery to me whether a mother nursed her own young ones, or any that wanted to nurse. When we were on Robben Reef I used to see the pups crawling around the females when they came ashore, but I couldn't tell if they nursed from their own mothers.

12. I more than once made raids on the Pribyloff Islands when I sailed from San Francisco, and know of other vessels having done so. We understood just how to work, and there was no chance of its being known that we had been there. We would go ashore and quietly drive the seals down to the edge of the water, as near the water as possible, so that the tide or waves would wash the blood away. We would have the boats right at the spot, and would take the seals on board as fast as they were killed; we never left anything that could show we had been there, picking up the slightest bit of stick. Two of us—two schooners—lay at anchor 35 miles off St. Paul; we were there six weeks; when it got dark we would run in to "North-east Point"—we were anchored on the east side; we chose that place because when there was surf on one side of the point there might not be on the other, while the other rookeries could only be approached from one side. We never stayed ashore each time over two or three hours, as we wanted to get out of sight of the island as soon as possible. The people on the island never knew we went there, and don't know to this day. We anchored there once from the middle of June until after the cutter left in September, going in whenever the weather suited. We once ran in too near the village and saw a cutter there, and went away again, but we found the coast clear the next night, and got about 500 skins. We could see the light at the village. We knew very well the natives did not keep a good watch. We got about 2,000 skins that year off the island.

13. I was at Robben Reef at the time the Alaska Commercial Company sent a vessel there—the "Leon," Captain Blair—to destroy the seals. They had tried their best to protect the island, but we were too much for them. We had the guard in our pay, and when the "Leon," which had been sent there to guard the place, would go away, lights would be put out, and we would come over from Cape Patience where we had men on the look-out constantly, or if we got impatient the fastest sealer in the fleet would go there and be chased by the "Leon" (a sailing-vessel), and the others would make the raid; we worked together, and the schooners would divide up.

The reason the Alaska Commerical Company put their stamp on all the money used by them was that they learned we had men on shore in our pay. The only thing the natives would take was sugar and silver, and the Company would allow no silver to be used but what was stamped. This was on the Commander Islands. The time I spoke of above when the "Leon" could not protect the Robben Reef, they determined not to let us have the skins, and Captain Blair killed all he could get at. Captain Blair told me himself that he killed 3,500. They did not skin them; they cut them up the back and cut them across, and left them rotting there. I and many other men went to work and buried them so that the seals might come back; they would come right back that year.

14. I have read carefully everything that is written above and declare that it is all true.

15. I believe that the seals ought to be protected, but I and all other United States hunters I have talked with believe that it is not right that a Company should have all the seals; we say, let the Government do the protecting, and give every man a chance to make an honest living.

16. Major Williams sent for me last spring several times by a man named Dillon, whom I knew to be in the employ of the United States Government. I went to the Driard Hotel, and after waiting there for an hour or two my evidence was not taken.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. C. FOLGER.

Subscribed and declared by the said Albert C. Folger before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 8th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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90 *Second Declaration of Captain Albert C. Folger.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Captain Albert C. Folger, at present of the city of Victoria and Province of British Columbia, do solemnly declare as follows:

1. That while I at present reside in Victoria, I owe my allegiance to the United States of America.

2. I have hunted sea-otter and fur-seal for nineteen years, five voyages being made from Yokohama towards the northward along the Japan coast in search of these animals, as is more set forth in another solemn declaration made by me.

3. During that time I prospected the whole of the Islands of the Kurile group in search of fur-seal, and made many voyages up and down the coast, and have very often many times during each summer. I voyaged from the Kurile group to the Commander Islands and back again—this was in 1879, and the years immediately following or preceding that year we used to leave San Francisco in March, and would be back there in September.

4. During the whole five seasons I was on the Japan coast I never saw seals at sea other than a scattered few here and there, and we never saw them in anything like the numbers I saw them on this coast a few years later on. I am told they are now to be found on the Japan coast—whether the seals formerly went to the Commander Islands by way of the Aleutian Islands or not I do not know, but I have heard that seals used to haul out on one of the Aleutian Islands—Atka, I think—and that white men paid the natives to drive the seals away, and they were given stuff to put on the water that would look like fire and so frighten the seals. I know of places in the North Pacific where seals are to be found in abundance, but whether these seals go to the Commander Islands or the Pribyloff Islands there is no way of telling. I remember when near an island called Midway Island, northward of the Sandwich, seeing them in great numbers, such that had I been pelagic sealing I would have thought it worth while stopping to hunt them, but we were anxious to get to Yokohama. These seals are as likely to go to the Commander Islands as the Pribyloff Islands, and it seems to me very probable that the seals from the American Islands and those from the Asiatic Islands may mingle there. I mean that those that go farthest south on both sides very likely mix there.

5. I have seen Eskimo wearing clothes made of fur-seal skins when north of Behring Straits when trading there, and I once saw a fur-seal lassoed when north of East Cape, and on the same cruize the captain in my pesence shot a fur-seal from the deck of the vessel, a boat was lowered, and the seal was got. The mate also shot them. I don't know where these seals came from, but am sure they were fur-seals. I have known fur-seals for nearly twenty years.

6. I solemnly declare that all the statements written down herein are correct, and that I have read them carefully, and have received no consideration for the evidence I have given.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. C. FOLGER.

Subscribed and declared by the said Albert C. Folger before me, a Notary Public duly commissioned, and residing and practising at the City of Victoria, in the Province of British Columbia, this 8th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Third Declaration of Captain Albert C. Folger.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Captain Albert C. Folger, at present of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That I have been sea-otter or seal hunting the past nineteen years, except last year.

2. I consider that I was the first white man who hunted seals on this coast. The Indians said that a white man couldn't kill seals, but I said what an Indian could do a white man could.

I was out first in 1880 on the "Udora," a San Francisco vessel. We used muzzle-loading shot-guns. We did not get many seals that year.

The next year I hunted on the schooner "Triumph," a small vessel; we used the same kind of guns. We did not get many seals, as we were poorly armed. I went to the Japan coast in 1882, in February, and hunted there, and came back in 1886, after the season. In November we got here. In 1887 I was out on the "Mary Ellen," in 1888 the "Penelope" for the spring, and the "Maggie Mac" for the summer. In 1889 and 1890 I was on the "Penelope" as master. I was a hunter on the other vessels. Last year I was on the "Annie C. Moore" as a hunter.

4. Last year, out of about 400 seals, I did not lose five. I never have lost many seals, because if I cannot get close enough to be sure of them, I don't shoot at all.

5. I have never counted the males and females I killed, and do not know how many of either I killed, or in what proportion they were.

91 6. I have seen seals travelling in schools, hundreds together, but it is impossible to get within 300 yards of them, and all would start "breeching," and go away.

7. I have killed thousands of seals on the Japan coast and on this side, and there is no difference between them; none of the men I hunted with could tell them apart. I don't believe that any man could tell them apart.

8. I have been much about the Pribyloff Islands, and in thick weather it is hard to tell where we are, and we drift a little. I noticed that the currents drifted us to the southward, as a rule.

9. If seals were protected on the rookeries there would be no danger of exterminating them as long as they have the islands to go to and are looked after there.

10. I know that male seals after they are a few years old have teats, but I never noticed the young seals; perhaps they may have.

11. I have hundreds of times seen seals attempting to have connection with one another, but would not swear that they actually succeeded in having proper connection with one another. There is a class of seals of a larger size than those usually killed by the Company on shore, that do not haul out with the young males, and are not allowed on the rookeries by the old bulls; these are the seals that attempt to serve the females, and I have heard people say that they had seen them actually do it, but I would not swear that I had.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. C. FOLGER.

Subscribed and declared by the said Albert C. Folger before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 8th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Charles Peters.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Charles Peters, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I am a mariner.

2. I have been five years connected with the sealing business.

3. Last year (1891) I was mate of the "Mascotte," and this year (1892) mate of the "Oscar and Hattie."

4. Seals were fully as plentiful this year as last on the coast.

5. I have found more females than males in both years.

6. In the latter part of September 1891 I saw in the neighbourhood of the Pribyloff Islands shoals of seal pups; I am not sure whether they were of that year or year before.

7. In Bristol Bay in September 1891 the hunters of the "Mascotte" got a number of seals.

8. I was on Copper Island side this year. I got more males there than females in proportion to the number caught than on Pribyloff Islands side.

9. Last November, in returning from the Copper Island side, I saw seals from there to 400 miles from Vancouver Island coast.

10. I never examined male seals to see if they had teats.

11. I never saw seals cohabiting in the water, but I have heard others say they did.

12. If there was a Chart showing plenty of soundings, I would be able, from my knowledge of navigation, to tell the distance from islands in Behring Sea.

13. I was guard on Otter Island in 1882; seals occasionally came and hauled out on the beach.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHAS. PETERS.

Subscribed and declared by the said Charles Peters before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 8th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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92 *Declaration of Henry Paxton.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Henry Paxton, of the city of Victoria, in the Province of British Columbia, Canada, master mariner, do solemnly declare as follows:

1. That I have been thirteen years sealing on the coast of the North Pacific Ocean, and have been three times or seasons in the Behring Sea.

2. That I have never been out with white hunters; always with Indians.

3. In former years the Indians used the spear entirely, but for the last five or six years they have used the gun a good deal, and the use of the gun is rapidly throwing the spear into disuse.

4. That the past season, 1892, on the coast between Destruction Island, about 60 miles south of Cape Flattery, and Cape Scott, the north-west point of Vancouver Island, I saw more seals than I saw in any other season in my experience. The largest bodies of seals I saw this year were off Ohsett, 15 miles south of Cape Flattery, off Clayquot Sound, Cape Beale, and Esperanza Inlet. At these places the schools or bands numbered from 25 to 200 and 300.

5. That at all these places when I was there the weather was bad, and I got few seals. The hunters always do better among scattered seals than in the schools. When in schools some of the seals are always awake and on the move, and when a canoe comes up the sleepers are awakened by these, and the whole body moves away.

6. Last year, in the Behring Sea, my hunters got 330 seals. Most of these were young bulls. This year on the coast they got 139, and there were only about 20 females in the lot.

7. That male seals have teats, and male and female skins cannot be told apart by the teats.

8. That in my thirteen years' sealing I have known of only five or six dead seals being found. One or two I found myself, and the rest my hunters got. I did not examine them to see what had killed them. I supposed they had been shot by hunters and lost.

9. That in the winter of 1889 and 1890, in the months of December and January, I was trading between Cape Mudge, through Johnston Straits, to Knight's Inlet. In both years I got fur-seals all along Johnston Straits in December and January. The seals were all young—from yearlings to 3-year olds. The Indians get seals in Johnston Straits every winter, especially at Nawatti, where there is a regular sealing ground every winter.

10. These Johnston Straits seals are identical with the coast and Behring Sea seals.

11. I believe there are as many seals in the water off the coast now as there has ever been. I believe the slaughter on the rookeries is more likely to exterminate the seals than deep-sea sealing. I am convinced that less than one seal out of a thousand is killed on the coast, and if more females than males are killed on the coast it is because of the slaughter of bulls—principally young bulls—on the rookeries. Stop the killing on the rookeries, give the seals a chance to breed wherever they will without being disturbed, and the herd could not be exterminated by open sea sealing.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) HENRY PAXTON.

Subscribed and declared by the said Henry Paxton before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 15th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of George Heater.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, George Heater, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I have been seal-hunting on the Pacific coast of America three years.

In 1890 I was on the "Sapphire" as a seaman and boat-steerer. In 1891 I was master of the "Rosie Olsen," and in 1892 I was master of the "Ainoko."

2. That in 1891 I got 25 seals at odd times by shooting from the schooner or going out in the stern boat. I lost 2 by sinking in getting the 25. This year I got in the same way 28 seals, but did not lose any.

3. In 1891 the "Rosie Olsen" got about 300 seals on the coast. A large majority of these were young bulls. This year the "Ainoko" got 750 seals on the coast, about one-third cows; most of the old cows were in pup, but some were barren.

4. That in both 1891 and 1892 I was behind the body of the seals going north, and did not see so many seals on the lower coast as up about the 59th parallel north. About that latitude and 143° west
93 longitude this year I saw immense numbers of seals. I was among them for eight days before I got any, on account of rough weather. The sea for miles was covered with schools numbering from thirty to fifty, often many more.

5. In 1890 I was in Behring Sea a full season on the "Sapphire." The greater part of her catch in the sea that year was males. I remember of two cows in pup and a number in milk, but I cannot give the number.

6. I have always had Indian hunters; they used both spear and gun. Very few seals—not any to my knowledge—were lost by my hunters, either when speared or shot.

7. That I have never got more than half-a-dozen old bulls in a season's catch; they stay on land till late in the fall, and go back early the next spring.

8. That in 1890 in Behring Sea a hunter picked up a dead seal floating. It had been dead a day or two from a gun-shot. That is the only "floater" I have ever seen.

9. I saw more seals on the coast this year than in either of the previous years I was out, and all the captains and hunters I have talked with say the same. My Indian hunters said they had never seen so many seals on the coast as this year. The seals this year all along the coast were bunched, that is, in schools or bands. They were hard to get when found this way. Hunters like best to get among scattered seals, not more than two or three together; the seals then are mostly asleep, and are easily approached.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEORGE HEATER.

Subscribed and declared by the said George Heater before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 15th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Albert J. Bertram.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Albert J. Bertram, of the city of Victoria, in the Province of British Columbia, seal hunter, do solemnly declare as follows:

1. That I have been sealing for the past six years.

2. That during the past four years I have been engaged as a hunter.

3. During the season of 1889 I was on board the schooner "Annie C. Moore," and killed 352 seals.

4. That during the whole season of 1889 I only lost twenty-one seals by sinking.

5. During the season of 1890 I was on board the schooner "Penelope," and secured 192 seal-skins.

6. That during the whole season of 1890 I only lost fifteen seals by sinking.

7. During the season of 1891 I was on board the schooner "Maggie Mac," and secured 110 seal-skins on the coast.

8. During the season of 1892 I was on board the schooner "Penelope," and secured 331 seal-skins.

9. That during the whole season of 1892 I only lost twelve seals by sinking.

10. I have seen seals in schools on all parts of the coast.

11. It is very hard to shoot seals when they are in schools.

12. In April last we went to Japan, and then towards Copper Island.

13. The seals look larger there, but otherwise I see no difference between them and the seal on this side.

14. I saw more seals on the coast this year than I ever saw on any previous year since I have been sealing.

15. On the coast the seals are about equally divided as to sex, and it was the same in Behring Sea the years I hunted there.

16. I have noticed that male seals have teats, and do not think that the sexes could be distinguished by the skins.

17. I have never seen seals cohabiting in the water, but have frequently seen a pair together, and have killed them both.

18. I nearly always secure both when I kill the cow first, as the bull will not go away, but will remain near the place where the cow was killed.

19. We did not secure many old bulls.

20. I have killed five old bulls during the time I have been engaged in seal-hunting.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. J. BERTRAM.

94 Subscribed and declared by the said Albert J. Bertram before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 11th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Niels Bonde.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Niels Bonde, of the city of Victoria, in the Province of British Columbia, able seaman, do solemnly declare:

1. That I have been out four years on sealing-schooners from Victoria: in 1887 on the "Kate," in 1888 on the " ," in 1889 on the "Kate," in Behring Sea, and in 1890 on the "Pathfinder." I never hunted myself, and was only one year in a hunting boat, that is, I was boat-steerer on the "Pathfinder."

2. That on each of said vessels I had more or less to do with skinning the seals, and would say that about 60 per cent. on the coast were females, and about 50 per cent. females in Behring Sea. I distinguish the male skin from the female by the absence of teats. Any skin I saw teats on I called a female.

3. That I have never been ashore on the Pribyloff Islands, nor at any other place along the coast, except on the west coast of Vancouver Island. I have heard that seals haul out on the Pribyloff Islands, Copper Island, and Robben Island; there may be other places, but I don't know anything about it.

4. That when on the "Pathfinder" I was part of the season with a good hunter and part with a poor hunter. The good hunter got nearly all the seals he fired at; I am sure he did not sink more than three while I was with him. The poor hunter missed about half of those he fired at; he wounded a few, which escaped; he sunk a few.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) NIELS BONDE.

Subscribed and declared by the said Niels Bonde before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 12th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Frank W. Adams.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Frank W. Adams, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am personally acquainted with "Jim," or "Narwassan," a Pachenah Indian, whose declaration is hereto attached, marked (A), and also with one E. M. Greenleaf, who is referred to in the said declaration.

2. That in the month of April 1891 I acted as interpreter between the said Narwassan and the said Greenleaf, when they entered into an agreement under which the said Greenleaf was to act as navigator of the sealing-schooner "Mountain Chief," owned by Narwassan, on a sealing voyage from the west coast to Behring Sea.

3. That the said schooner did go to Behring Sea on said voyage, and about one month after the said agreement was made I saw Greenleaf back in Victoria, and saw him frequently after that during the summer on the street.

4. That I know nearly every man who goes sealing from Victoria, and never, to my knowledge, have I known or heard of the said Greenleaf being out sealing.

5. That, by common reputation, Greenleaf is a smuggler and United States revenue spy combined, and has not any fixed occupation or employment otherwise.

6. That I interpreted the statement made by Narwassan in the declaration hereto annexed, marked (A), from Chinook into English, and say that the same were truly and correctly interpreted; and that before the said Narwassan made his mark thereto I read over to him and trans-

lated into Chinook the statements in said declaration contained, and that he fully understood the same.

7. That I have lived in Victoria all my life, and understand Chinook perfectly.

95 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) FRANK WOODMAN ADAMS.

Subscribed and declared by the said F. W. Adams before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 2nd day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Andrew McGarva.

DOMINION OF CANADA,
Province of British Columbia,

I, Andrew McGarva, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I have been sealing five seasons, three as a hunter. In 1890 I was on the "Bessie Ratler," of Astoria. In 1891 I was on the "C. H. Tupper," and this year was on the "W. P. Sayward."

2. In 1890 I took 181 skins, and lost 2 by sinking. In 1891 I secured 115, and lost 1 by sinking. This year I got 194, and lost 11. The boat-steerer was not so good as in other years, and I account for the greater loss in that way. If he had been a good man I would not have lost more than 3 or 4.

3. Not more than 1 in 50 seals are wounded so that they will die afterwards. It is easy to tell when a seal is wounded by the blood, and it and the bubbles show where it went down.

4. I shoot at a sleeping seal when 15 to 25 yards from it, and would not shoot at a "traveller" when more than 90 yards away.

5. I found seals most abundant this year off "Pamplona Rocks."

6. I have seen seals in schools often, both south of Cape Flattery and north along the coast. They are more difficult to get than when they are single or in twos and threes. When there are several together there is generally one awake, and the warning is then given to the others.

7. I have noticed that males and females will often travel in separate bodies, but they travel mixed together as well; the yearlings are mixed with the others.

8. This year I took a great many more males than females; the year before they were in about equal numbers, and the year before that I took more females than males. The males are more easily got than the females, but old bulls are more difficult to get.

9. In 1890 I got more females than males in Behring Sea, and on the Russian side there were a little more than half females this year.

10. The seals on the Copper Island side are a little darker in colour, I think, than those on the American side.

11. On the way across, in about latitude 50°, we saw seals every fine day. I don't know which islands they belonged to.

12. About 80 miles off Copper Island we got a few seals of a lighter colour, that looked like those on the American side.

13. I saw more seals than formerly on the coast this year, and that is what all the other hunters have told me.

14. Seals are getting wilder now; hunting them is the cause of this.

15. I have noticed that male seals have teats. I have not examined all I have taken, but know that some have.

16. I have never seen seals cohabiting in the water that I am sure of, but I have seen them attempting to, and have shot them both at such a time. It is quite easy to get them both then. Not many old "wigs" are killed, as they give too much trouble.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ANDREW MCGARVA.

Subscribed and declared by the said Andrew McGarva before me, a Notary Public duly commissioned, and practising in the city of Victoria, in the Province of British Columbia, this 31st day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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96 *Declaration of Frank G. Warrington.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Frank G. Warrington, of the city of Victoria, make oath and say:

That I have been sealing six years; five years I was a boat-steerer, and this year a hunter. While boat-steering I had a good opportunity of studying the habits of the seals, noting the number lost, and so on. I was on the "Teresa" this year, but we were behind the seals and did not do much. I got 103 seals myself, and lost by sinking 10 or 12, I think, but I never kept count of them. I sunk more than any one else on board the "Teresa." This year on the lower coast I did not see as many seals as in former years, but we were behind them. But when we got up on the Fairweather Grounds I saw more than ever before. Last year I saw seals as plentiful, or more so, than ever before, and it was almost impossible to get them; the seals were in schools, and it was impossible to get at them. One day this year, when on the Fairweather Grounds, I saw thousands of seals, but could do nothing with them, and got only one skin. From my own observation I would say that there are as many or more seals this year as in any other year, and all the hunters I have talked with say the same. There are very few seals that are badly wounded and escape, for when a seal is wounded it is followed and soon caught if it is badly wounded. Generally, the cows and bulls are found together, but sometimes all bulls are found, and sometimes all cows.

It is almost impossible to get a seal when they travel in schools; one will start the others, and all will get away.

I have seen seals cohabiting in the water; they were holding one another with their flippers, and were standing straight up and down in the water. I have been in the boat with hunters who shot both seals when they were doing this. If the female is shot first, the male will stay about, and is easily got.

The first year I was out was with Indians; they used spears, but now both the gun and spear is used. The man in the bow uses the spear as a rule, and the steerer uses the gun.

My experience on the coast has been that more females than males are killed, and it is about the same in Behring Sea.

I have noticed that seals are much harder to get here now than formerly, and that a female seal in pup is ever on the alert, and more so than ordinary seals. Not many old bulls are killed. On this coast I have found a few barren females. I think that all the damage that is done to seals at sea is done on the coast, and not in Behring Sea.

And I swear that I have read all the statements written down in this affidavit, and that they are all true, and that I have received no consideration for having made them.

(Signed) F. H. WARRINGTON.

Sworn to before me at Victoria, this 7th day of October, 1892.

[SEAL.] (Signed) F. RICHARDS, Junr.,
A Notary Public for British Columbia.

Declaration of G. E. Miner.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, G. E. Miner, a citizen of the United States of America, make oath and say:

That my home is near the city of San Francisco.

That I have been sealing six years.

In 1887 I was out on the "Penelope" as a hunter. In 1888 was on the "Lillie L." and on the same vessel in 1889. In 1890 I was on the "Maggie Mac." In 1891 and 1892 I was on the "Henry Dennis." I was out as a hunter every year. Somewhere about April 21 last year our vessel was spoken by the United States revenue-cutter "Corwin." An officer came on board and invited the captain (my brother) to go on board the "Corwin." A short while afterwards a note came from my brother asking us to come to the "Corwin" and give our evidence if we wanted to. Five of the hunters went—there were six hunters on the "Dennis." We were all standing together on the deck of the vessel. My brother asked me to come up to the pilot-house, which was used by Captain Lavender, the United States Agent, as an office, and give our evidence in regard to shooting seals. I went at once. Captain Lavender asked me questions, and he had a young man there with a type-writer to take down my answers. Mr. Alexander, the United States Fish Commissioner, one of the Lieutenants, and my brother were present. Captain Lavender sent a boy below for a list of questions, which were afterwards asked me. I noticed that only part of what I said was taken down. When Captain Lavender wished the type-writer to take down my answers he repeated them to him. I at the time came to the conclusion that he was only taking down that portion of my evidence that he thought would help his case. Among other questions, he asked me, how many seals I sank out of what I killed. I told him of killing 200 seals last year and not losing any of them—that I was sure of. One seal I thought I killed and did not get, but am not sure of it. He did not take this down. His whole method of taking evidence reminded me of a lawyer examining a witness at Court; if the answer did not suit, he would ask the question in different ways, with the evident intention of getting me to admit something, or, rather, have me say something that was different from what I first said. I was telling
97 the truth right through, and did not change my answers. He asked me enough questions to have the answers cover four times as much paper as the declaration I signed. He asked me the average

number of seals destroyed. I replied, "Not more than 10 per cent." In this I included those that I knew were killed and would sink, and those that were badly wounded and I thought would die afterwards. The actual number I see sink is much smaller than that. Last year not more than 1 of 9 sank. This year I got 384 skins, and 10 seals sank and were lost. I don't remember the actual figures for former years, but the percentage was about the same. That night my brother and Captain Lavender had a talk about sealing matters. Lavender told him that I said I had lost 30 per cent. of the seals I killed. I never said that I lost 30 per cent.; it would not have been true had I said so. He asked me, I think, about the proportion of males and females. I don't remember if he took down my answer. I kill more females than males; there is a majority of females as a rule, both on the coast and in Behring Sea, but this year our catch did not contain more than 10 per cent. of females, I think. I took about 10 per cent. of females. We thought we were all to give our evidence, but no one was examined but myself. Captain Lavender said that his type-writer was sea-sick, and that he would not be able to take down the evidence of the other men. We spoke here again a day or two afterwards, but no one was asked to give evidence. The weather was fair. If he had given us a list of questions to answer, we would have written out our ideas on sealing matters and would have given them to him. We thought it strange that he had not asked all of us to give evidence, and all agreed that it was because he thought it would not suit him.

I know Brown, who was a hunter on the "Corwin." I have never been out with him myself, but know his reputation as a hunter. He is reputed to be a very poor hunter. I want the "very" emphasized. He is a nervous, excitable man. A good hunter must be cool. I would never think of hiring him as a seal-hunter, for he was not only nervous, but he had had no experience. The officers on the "Corwin" admitted that he was no good. He had taken one seal while we saw him. He had shot at several seals, but got only the one. The men in his boat with him said to me, "We don't know what is the matter; Brown says they sank." They thought that Brown had missed them, but they didn't like to say so.

I have sealed three seasons on the Copper Island side of Behring Sea. I have tried to tell the difference between the seal on the American side and on the Russian side, but putting the skins side by side, I cannot see any difference. I have not noticed that male seals have teats, but don't know they have not.

I have never seen seals so plentiful on this coast as they were this year.

I have seen seals attempting to cohabit in the water, but do not know that they succeed in having proper connection with one another.

I think that pregnant seals are more on the alert than the young seals and older males. We always find barren females among them we take.

I have read over all the statements written down in this affidavit, and swear that they are all true, and that I have received no consideration for the evidence that I have given. There is nothing further connected with seals that I wish included.

(Signed) G. E. MINER.

Sworn to at the city of Victoria, British Columbia, this 2nd day of October, A. D. 1892.

Before me:

[SEAL.] (Signed) A. L. BELYEA,

A Notary Public by Royal Authority in and for the Province of British Columbia.

Declaration of Robert S. Findley.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Robert S. Findley, of the city of Victoria, make oath and say:

That I have been four years sealing. The first year I was out on the "Viva" as a boat-steerer. The next year I went sealing—1890—I was a hunter; this was on the "Triumph." We went out in September on an experimental trip, and only got 83 seals. In 1891 I was on the "Thistle," a steam-sealer, and went into Behring Sea, but we were warned out soon afterwards. I got 53 seals, and did not keep count of the seals that sank, but there were not many. This year I did keep count of them. I was on the "Maude S." this season, and took 243 seals, losing 10 by sinking. There are very few seals that are wounded badly and not got, for when I see that a seal is wounded I follow it if possible until it tires out. I never saw so many seals before as there were on the coast this year, but they were very wild. This was the experience of other hunters too. I have seen seals travelling in schools. They are very difficult to get at when in schools, even in small schools of five or six, for there is always one on the look out; it seems as if they were on the watch for hunters. I have opened seals and find that they eat different kinds of fish.

About half-way across from Copper Island to this coast we made about 150 miles one day, and saw sleeping seals here and there all day. When they are that way there are a good many about, as when the boats go out and get from 100 to 200 seals in a day, we don't see more from the vessel than we did then. Seals were more on the look-out this year, and harder to get. Never noticed that male seals have teats. I have seen seals cohabiting in the water, and I have shot both the male and female. It is when they are on or among kelp that I have
98 seen them doing this. I have seen Indian hunters with both gun and spear, but they are getting to use the gun more all the time. Former years we got on the coast more females than males, I think, but this year there were most males. One day this year we got over a hundred seals, nearly all of them being males. My catch in Behring Sea was too small last year to be worth while dividing into sexes. I think the seals on the Russian side are exactly the same kind of animal as on this side.

I have read carefully all the statements written down in this affidavit, and swear that they are all true, and that no consideration has been offered to or given me for having made them.

(Signed) ROBERT S. FINDLEY.

Sworn before me at Victoria, this 6th day of October, 1892.

[SEAL.] (Signed) THOS. SHOTBOLT, *J. P.*

Declaration of Thomas Garner.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Thomas Garner, of the city of Portland, in the State of Oregon, in the United States of America, make oath and say:

That I have been engaged in sealing for three years. In 1890 on the "C. H. Tupper," in 1891 on the "Louis Olsen," an Astoria schooner, and this year on the "C. H. Tupper." In 1890 I got 216 seals, and including

those that were badly crippled, not more than 20 were destroyed that I did not get. Had I had any experience I would have lost fewer, as after we got into Behring Sea I lost none. Last year I only hunted on the coast; I killed 127 seals, losing 2 only. This year I got 344, and lost 3; these were travelling and the water was rough, or I would not have lost them. I don't think that any good hunter ought to lose more than I did. Very few seals badly enough wounded to die escape. Shot will not kill a seal if it strikes it in the body when more than 40 yards away. I shoot at a sleeping seal when from 14 to 18 yards from it. Very few rifles are used now. Abreast of Cross Sound this year the seal were more plentiful than I ever saw them before, but they were very wild. In March 1891 I saw seals in schools off Gray's Harbour, below Cape Flattery. I saw about 60, and the other boats reported having seen about as many. Male and female seals travel together, and with them the yearlings. Along the coast there are about as many females as males, and in the early part of the season in Behring Sea there are about as many males as females. Seals eat squid, salmon, and cod; they prefer squid to anything else. Except the seized schooners I have not heard of schooners having gone into Behring Sea this year, and believe that no others went. I went to the Russian side this year; we saw two seals south of the 172nd Pass about 20th July.

I saw many more seals this year than ever before. I hunted in about the same places this year, and at about the same times. Seals are harder to get when in bunches than when alone. I have on two occasions opened seals that had two pups in their wombs. When a seal is travelling and is not frightened, he moves very slowly, and will often stop to rest. On a warm day they do not "travel" at all.

I have on two occasions seen seals cohabiting in Behring Sea; we were between 30 and 40 miles away from the islands both times. The seals were both killed on each occasion. The females were, I should say, 2 or 3 years old, and there was no sign of their having had young. The seals seemed to be holding one another by the help of their flippers, and were sometimes on the surface and sometimes under water; their hinder parts were out of the water more than once, and I could see that there was no doubt about what they were doing; we were quite close to the seals when we saw them; this was the case both times.

When we are pulling towards seals and are near them, we pull very slowly and easily, so that although close to the seals when we first saw them it must have taken two or three minutes to reach them. I was about 14 yards from the seals the first time I saw them doing this, and about the same distance the next. I have heard other hunters say the same thing.

(Signed) THOS. GARNER.

Sworn before me, at Victoria, this 29th day of September, A. D. 1892.

[SEAL.] (Signed) H. DALLAS HELMCKEN,
A Commissioner for taking Affidavits in the Supreme Court of British Columbia, and a Notary Public in and for the Province of British Columbia.

Declaration of James Douglas Warren.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, James Douglas Warren, of the city of Victoria, in the Province of British Columbia, Canada, do solemnly declare:

1. That I have been a resident of the city of Victoria aforesaid since 1854, during which period I have been absent only when on business for a few months at a time.

99 2. That in the year 1869 I began buying fur-seals from the Indians on the west coast of Vancouver Island. In, I think, 1870 I went out in the schooner "Thornton," taking some Indians with me, to hunt seals at sea off the west coast. I went out in May from Barclay Sound, and returned in a few days. The trip was an experiment only. I got a few seals, and satisfied myself and the Indians that seals could be got that way.

3. That the following year, about March, I went out in the "Thornton" from Barclay Sound with ten or twelve canoes of Indians—hunters—and hunted from off Cape Flattery to off Kynquot, Vancouver Island. I followed this up, adding every year or so another schooner to the business, until about 1885. In 1886 I fitted out six vessels for sealing, both on the coast, and five of them went into Behring Sea. One of the five was seized in the Sea, the others returned with fair catches. In 1887 I sent out six schooners; one was wrecked, the others sealed along the coast and went into Behring Sea. Four of those that entered the Sea were seized with the upper coast catch on board besides the catch in the Sea. In 1888 I sent out only two schooners, neither of which went into Behring Sea. The losses through the seizures of my schooners so crippled me that I was compelled to abandon the business.

4. That I have hunted seals as far south as the mouth of the Columbia River, and from there north into Behring Sea. I saw about the same number of seals at about the same places every year I was out, and saw nothing that indicated a decrease of seals up to 1887. From my knowledge of the seal, its habits, and the places it frequents, and from what I have learnt from reliable persons since 1887, I do not believe there has been any decrease in the numbers of seals off the coast.

5. That the catch of seals on the coast in any year while I was in the business depended almost entirely on the weather. One year, I think it was 1874, with two schooners out from the 1st March to the end of June, I got only about 350 skins from both vessels. Ten years afterwards (1884) the same two schooners with the same outfit of hunters got over 2,300 seals in about the same time.

6. That of the coast catch of seals a little over one-half of those I got were females. Of the females not over one-half were in pup, and in some years less than one-half. The remainder of the females were young seals and barren cows.

7. That in Behring Sea the proportion of females was about the same, but very few in pup. The first two weeks in July a few cows in pup would be got, but none after that.

8. That when in Behring Sea I never went nearer than 50 miles of the Pribyloff Islands. Most of the seals were got about 75 miles from the islands. Up to the latter part of July I got a few seals showing signs of milk when skinning them. I do not think these females had ever been on the islands, but had lost their pups at sea. I never saw

a female killed in the Sea having much milk in them. I have seen more milk in cows heavy with pup killed on the upper coast than I ever saw in cows without pups killed in the Sea.

9. That I have handled fur-seal skins in greater or less quantities nearly every year since 1869. The average size is fully as large now as it was ten or fifteen years ago. The average size in Behring Sea catches is a little larger than in coast catches on account of the larger number of grey pups taken on the coast.

10. That all along the coast the seals follow the fish on which they live. In years when the schools of fish strike in shore the seals are also found close in. I have known seals to come right into Barclay Sound one year, and then for two years or more none would come in.

11. That in 1875 I was sealing off Queen Charlotte Island. I landed at several places on the north-west coast of the island. The Indians there told me that lots of seals used to haul-out there on the beaches and rocks.

12. That this year I handled a lot of skins taken on the Copper Island grounds. I did not notice any difference between them and skins taken on the coast or this side of Behring Sea; the two lots appear to me exactly alike.

13. That I employed both Indians and white hunters on my vessels. Indian hunters seldom lose a seal they once strike with the spear. White hunters lose a few they shoot by sinking, and wound a few that escape. This is, however, confined to inexperienced hunters. I have myself shot seals from the schooner, lowered a boat, and picked up the seal. I have often done that when the vessel was under way—shot the seal dead, rounded to, lowered a boat, rowed to the seal 150 yards distant, and picked it up. As a rule seals shot dead do not sink for some time—fully ten minutes—often longer.

14. That I do not remember ever finding dead seals on the water—"floaters" as they are sometimes called.

15. That hunters can get most seals when they find them scattered and sleeping. When found in bunches there is generally a "watchman" that gives the alarm when a hunter approaches.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) J. D. WARREN.

Subscribed and declared by the said James Douglas Warren before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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100 *Declaration of Micajah Pinckney.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Micajah Pinckney, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I have been fur-seal hunting in the North Pacific Ocean two seasons; this year, not having been warned, I was also in the Behring Sea for about a month. Last year (1891) I was mate of the "C. H. Tupper," and this year master of the "Henrietta."

2. That while on the "Tupper" I paid little attention to the actual work of getting the seals, and know only that the hunters got about 600, less than half being females.

3. This year, on the "Henrietta," I got 152 seals on the coast between Kynquot, on Vancouver Island, and Marmot Island. There were very few females in this catch, not much over one-fourth. I was late getting out, and the great body of seals were ahead of the "Henrietta" all the way up the coast. Ten of the females in this catch were in pup.

4. That in Behring Sea I got 420 seals between 3rd August and 4th September last. Very few seals were got after 12th August, and I was on my way out when seized by the United States cruizer "Yorktown."

5. That of the 420 seals got in Behring Sea about one-fourth were females. None of these were with young or in milk. They had had their pups, and the milk had dried up. I was from 80 to 150 miles from the Pribyloff Islands, within which distance I got most of the seals. All the seals except about sixty were skinned on board. I saw them come on board, counted them, and have a clear memory of the fact that there were no females in pup and none in milk. Nearly the whole catch were bulls, principally "middlings" and small bulls.

6. That I had on the "Henrietta" both white and Indian hunters. The Indians used spears, the Whites shot-guns. From what I heard from the hunters, they lost very few seals by sinking. I remember an Indian losing one by his spear breaking, and one I shot from the schooner was lost. Now and then I heard one of the white hunters say he had lost a seal, but in what way I don't know.

7. That I did not see any other sealers in the Sea while I was there, and have heard of only two others being there this year.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) M. PINCKNEY.

Subscribed and declared by the said Micajah Pinckney before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 21st day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of William Otis Hughes.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, William Otis Hughes of the city of Victoria, in the Province of British Columbia, Canada, master mariner, do solemnly declare:

1. That I have been fur-seal hunting on the North Pacific Ocean and in Behring Sea for two years; in 1891 I was master of the "Katharine," and in 1892 I was master of the "Carmolite."

2. Last year in the "Katharine" I got about 1,500 seals, of which 191 were got on the coast, and the remainder in Behring Sea.

3. Last year the coast catch was about half females, and of these one-half were with pup. In Behring Sea I got most of my catch about 100 miles westward of St. George Island. Over half the catch in the sea were females, none with pup; but in the month of July about one-

third of the females were breeding cows showing milk. After the 1st August hardly any cows got showed signs of milk. I believe they had pupped on the islands and the milk had dried up.

4. This year (1892) I got 879 seals on the coast, between Cape Blanco and Kadiak Island. I got more seals off Cross Sound and off Kadiak Island than at any other localities.

5. That not more than 10 per cent. of my coast catch this year were females. I made a large catch off Kadiak Island—about 400 skins—between the 20th May and the 10th June. These were nearly all males. Off Cross Sound, from about the 25th April to the 10th May, I got about 200 seals; these were nearly all males.

6. That less than one-half of the females I got on the coast this year were with pup. I am positive not fifty females in my coast catch were with pup. I account for my large catch of males simply to the fact that I happened to get among the young bulls during good sealing weather. The United States schooner "Henry Dennis" was off Kadiak at the same time, and her captain—one Miner—told me he had then on board 1,800 skins, only 150 of which were females.

101 7. That about the 23rd June last I left Tonki Bay for the Copper Island grounds, at which I arrived on the 10th July. Between the 172nd Pass and the western islands of the Aleutian group, from 30 to 60 miles off south shore, I saw scattering seals. I cannot say which way they were travelling.

8. That up to the 28th August I had taken 608 skins over there. On the 28th August the Russian corvette "Vetiez" seized my vessel and ended the voyage.

9. That I saw fully 1,000 seals on the coast this year for one last year. I was late going out last year, but nowhere—except in Behring Sea last year—have I seen so many seals as this year along the upper coast.

10. That I had six white hunters this year. Now and then a hunter reported having lost a seal, but the total lost was very small. The loss of a seal is always talked over by the hunters, and I was sure to hear of it. It is a great merit among hunters to show no losses, or very few.

11. That I have never picked up a dead seal at sea, nor have I heard of any of my hunters either last year or this doing so.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) W. O. HUGHES.

Subscribed and declared by the said William Otis Hughes before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of James McRae.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, James McRae, of the city of Victoria, in the Province of British Columbia, Canada, fur-seal hunter, do solemnly declare:

1. That I have been seal-hunting on the North Pacific Ocean two seasons: in 1891 on the "Viva," and in 1892 on the "Oscar and Hattie."

2. In 1891 I was boat-puller for John Townsend, hunter. He got 214 skins—109 on the coast and 105 on the Copper Island grounds. He lost 9 by sinking on the coast and 6 at Copper Island. These figures are from memory, and, I believe, correct.

3. I do not remember if I ever noticed what the proportion of females was in his catch. I know there were some cows with pup taken on the coast, but none at Copper Island.

4. This year I hunted myself, and got 66 skins—33 on the coast and 33 at Copper Island grounds. I lost 2 by sinking, both on the coast in rough weather. I wounded 12 or 15 that escaped. Some of these might have died of their wounds.

5. That one-half of those I got on the coast were females, most of them young cows; I only got 4 or 5 cows on the coast in pup.

6. Last year the "Viva" sailed across Behring Sea to the Copper Island grounds, after being warned not to seal on the eastern side. This was in the first week of July. We saw seals west of Four Mountain Pass.

7. That the seals on the Copper Island side have darker fur than those on this coast, but are alike in all other respects.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JAMES MCRAE.

Subscribed and declared by the said James McRae before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Joseph Brown.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Joseph Brown, of the city of Victoria, in the Province of British Columbia, Canada, seal hunter, do solemnly declare:

1. That I have been six years out in sealing-schooners on the North Pacific coast and two years of the six in Behring Sea.

102 2. In 1887 I was on the "San Diego" sealing on the coast until May; the rest of the season was sea-otter hunting on Kadiak grounds. In 1888 on the "Sylva Handy" seal and sea-otter hunting as before; in 1889 on the "Triumph," on coast trip; in 1890 on the "Mollie Adams;" in 1891 on the "Carmolite," and in 1892 on the "Oscar and Hattie."

3. In all years I was out, except 1892, I was a boat-steerer, and obtained a full knowledge of actual seal-hunting by white hunters using shot-guns and rifles. I have been boat-steerer for seven different hunters in five years. They were all good average hunters. On the "Carmolite" last year the hunter I was with got over 300 skins and lost only 9 by sinking. His name was Adolphus Porter, and it was his first year seal-hunting. In 1887, on the "City of San Diego," the hunter I was with got 76 skins, and lost by sinking 5. On the "Triumph," in 1889, I steered for Fred Gilbert; he got only 15 skins while I was with him, but lost none at all. The "Triumph" got damaged in a storm and returned to port, where I left her.

4. This year I hunted myself. I got 90 skins, and lost 1 by sinking. I wounded 8 or 10 that got away from me. I could have got most of them but for the fresh breeze blowing—the seals making off to the windward, as they always do when shot at or wounded. The hunters I was with lost very few wounded seals.

5. I saw more seals in 1891 than in any previous year. This year I did not see so many as last year because we were behind the body of the herd going north.

6. Not more than half of the seals I got this year were females. I got 44 seals on the upper coast; over half were females, and most of the females were with pup. On the Copper Island grounds I got 46 seals, more than half females; none of them in pup, a few in milk.

7. The seals on the Copper Island side are darker in colour than on this side, but I do not think there is any other difference.

8. That I have been sealing three seasons in Behring Sea, off the Pribyloff Islands. In 1890, on the "Mollie Adams," we got nearly 900 skins there, and the next year, on the "Carmolite," 1,628 skins. In both years the catch was about half males and half females. Early in the season—about 1st to 15th July—we got a few cows in pup, and after that some cows in milk, but as the season grew later very few of these were got. Every year I was out we got barren cows on the coast, but in the sea we cannot tell whether the cow is barren or not.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOSEPH BROWN.

Subscribed and declared by the said Joseph Brown before me, a Notary Public in and for the Province of British Columbia, this 24th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public for British Columbia.

Declaration of Luke McGrath.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Luke McGrath, of the city of Victoria, in the Province of British Columbia, seaman, do solemnly declare:

1. That I have been two seasons out sealing in the North Pacific. In 1891 on the "Ocean Belle," boat-steerer at first, and in the latter part of the season hunter.

In 1892 I was mate of the "Dora Steward," and hunted in the stern or ship's boat.

2. In 1891 I got 191 seals—56 on the coast and 135 on the Asiatic side. On the coast I did not lose any by sinking. I wounded some—not more than ten—that escaped; I wounded a few others that I got. Those that escaped were not badly wounded, and I believe all lived. It takes a bad wound to kill a seal.

3. That the 56 seals I got on the coast last year were about half females, 15 or 20 of which were with pup.

4. This year, 1892, I got 18 seals; did not leave Victoria until 6th May. About half were females, 5 or 6 with pup.

5. On the Asiatic side in both years I got 201 seals; more than half of them were males. Last year I got one female there with pup, none

this year, except a dead one I picked up. There was no wound on this seal, and it had died a natural death. The pup was well nurtured.

6. That there is no difference between the seals on the American and Asiatic coasts, so far as I can see. Their habits in the water are the same, though the seals on the Asiatic side are a little tamer.

7. That I saw more seals this year on the part of the coast I was on than on the same coast last year, though I got fewer seals, because of rough weather. I saw more seals in bands this year than last, especially on the upper coast. Last year was my first year out sealing. I wounded more seals last year than this, twice as many, according to the number I got; a good average hunter does not lose more than 6 per cent. by sinking. I know hunters who lose less than that.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) LUKE MCGRATH.

103 Subscribed and declared by the said Luke McGrath before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of James Siteman.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, James Siteman, of the city of Victoria, in the Province of British Columbia, seaman, do solemnly declare:

1. That I have been five seasons in sealing-schooners in the North Pacific Ocean, three of which I was also in Behring Sea. In 1888 and 1889 I was on the "Adèle," in 1890 on the "Walter L. Rich," in 1891 on the "Ocean Belle," and in 1892 on the "Geneva." All these seasons I was first mate.

2. That the sealing voyages of these schooners extended from off the northern coast of California to about the Pribyloff Islands, and from about the middle of January till September. In the "Adèle" in 1889 the hunters got 250 on the coast, and in 1890, 200 on the coast. Both catches were about half females, most of the females in pup. In 1890, in the "Walter L. Rich," the hunters got, between Barclay Sound and Sand Point, in May and June, about 600 seals. This catch was nearly all males; of the females very few were in pup; most of them were young cows, and a few barren.

3. That in 1891, on the "Ocean Belle," the hunters got 762 on the coast. These seals were got along the whole coast from off Cape Mendocino to off Kadiak Island. This catch was about half females, and about one-half of these were with pup; the other half young females and barren cows.

4. That in 1892 the hunters on the "Geneva" got 500 skins on the coast between Cape Mendocino and off St. Paul on Kadiak Island. This catch of seals was three-fifths males, and nearly all the rest were barren cows. Only a few cows with pup were got. The "Geneva" was four or five days about 80 miles off shore from Mount St. Elias in June. The hunters got about 200 seals there, and the most of these were bar-

ren cows. This fact was particularly noticed when the seals were brought on board and skinned. Neither myself nor any person on the "Geneva" had ever seen so many barren cows before.

5. That in Behring Sea, in each season I was there, about half the catch were females; none in pup. Most of the females, probably two-thirds, were breeding cows showing milk—sometimes only a trace, nearly dried up—others with a good supply.

6. That I saw more seals in 1891 than in any other year I have been out. The most I saw at any one place was off Cross Sound in the latter part of May. I saw just as many seals this year on the coast as in the first two years I was out, and I think many more, especially on the southern coast, where the seals were twice as numerous as then.

7. This year the "Geneva" was on the Asiatic side and got 600 seals. These were nearly all males; no cows in pup; a few in milk, not more than 15. I did not notice any difference between those seals and what we got on this side. As mate I had charge of the skins as soon as they came on board on all the vessels I have mentioned, and am familiar with the different classes of skins.

8. That in the five years I have been out I have known of only three dead seals being found by the hunters; one of these, in fact, I got myself; none of these had been dead long; all had been shot; one was found in 1888, one in 1891, and one in 1889.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JAMES SITEMAN.

Subscribed and declared by the said James Siteman before me, a Notary Public in and for the Province of British Columbia duly commissioned, and residing and practising at the city of Victoria, in said province, this 25th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
Notary Public.

Declaration of Charles Otis Burns.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Charles Otis Burns, of the city of Victoria, in the Province of British Columbia, Canada, fur-seal hunter, do solemnly declare:

1. That I have been fur-seal hunting in the North Pacific Ocean two years: in 1891 on the "Viva," and in 1892 on the "Carmolite."

2. That in 1891 I was boat-steerer for a hunter named Scott
104 from San Francisco. He got, I think, 250 skins on the coast and 149 on the Asiatic side. He did not lose more than 4 at the outside on both the coast and Asiatic side. His catch was, I think, about half females at the most; certainly not more. About two-thirds of the cows were with pup on the coast; there were also a number of barren cows and young ones.

3. That this season, 1892, I hunted myself. I got 141 skins on the coast. I lost by sinking 3 or 4, I am not sure which. I lost 5 altogether for the season, including a catch of 103 on the Asiatic side. I got nearly all the seals I wounded—not more than 10 altogether. Those that got away were slightly wounded, and got off to windward at a lively pace.

4. That I did not in either year detect any difference between the coast seals and those on the Asiatic side, nor did I hear any one on board either of the schooners speak of the matter. Hunters often get seals on this coast slightly darker in colour than the general run, and the same may be true of the Asiatic side. I have noticed that on both sides of the ocean.

5. That last year, on going over to the Asiatic coast, I saw scattering seals all the way over, and saw the same this year. The course both years was from 30 to 60 miles off the Aleutian Islands.

6. That I saw more seals this year than last, especially in bands off Cross Sound and Marmot Island. In five days, off Marmot Island, the hunters on the "Carmolite" got about 450 seals, nearly all males. The "Carmolite" got 878 seals on the coast this year; not more than 100 of these were females. Nearly the whole of the upper coast catch were bulls. About one-half the females were with pup; a good many barren cows were also got. Out of the 141 seals I got I am certain not more than 25 were cows in pup.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES OTIS BURNS.

Subscribed and declared by the said Charles Otis Burns before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Charles Francis.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Charles Francis, of Lake District, Vancouver Island, British Columbia, Canada, fur-seal hunter, do solemnly declare as follows:

1. That I have been four years in sealing-vessels in the North Pacific Ocean, two seasons of which I have been in Behring Sea. In 1889 I was on the "Ariel" as boat-puller; in 1890 I was a hunter on the "Walter L. Rich." I got that year 118 seals on the coast, and 108 in Behring Sea. I did not lose more than 6 for the full season. I wounded a few, but got most of them by chasing them up. My catch both on the coast and in Behring Sea was about half females. On the coast most of the females were with pup, but in Behring Sea none had pups in them. The first two weeks in the Sea I got some cows in milk, but after that the milk would be dried up.

2. That in 1891 I was on the same vessel; I got 91 seals on the coast. We did not go out until the last of March, and came back in July. The 91 were about half females, and one-half—not more of them—were with pup. The "Walter L. Rich" did not seal anywhere except on the coast. We had very rough weather, and did little actual hunting.

3. This year I was on the "Brenda." I got 63 seals on this coast. I lost by sinking this year 8 or 10 seals, most of them on the Asiatic side; I got 64 seals on the Asiatic side. About half my catch on both coasts were females; on this coast most of the females were with pup, on the

other side there were no pups. A few cows had a little milk, but most of them were dry.

4. That the "Brenda" this year went over to the Asiatic side, along the Aleutian Islands, about 50 miles south. I saw scattering seals all the way along, especially about the 175th to 180th parallel. These seals were travelling north towards Behring Sea.

5. That the seals on the Asiatic side are more copper-coloured on the breast and bellies than on this side, but there is no other difference that I ever noticed. I have seen exactly the same thing in seals on this coast, but not so many of them.

6. That the most seals I ever saw in any one place at one time was off the mouth of the Columbia River in 1889. Taking the whole coast, seals were just as numerous this year as in any year I was out. On the upper coast I have seen most seals off Middleton Island and Portlock Bank in May and June. Seals on the coast are a little harder to get than they were when I first went out.

7. That I use a shot-gun for killing seals, and shoot sleepers at from 10 to 20 yards, and "travellers" at from 25 to 40 yards. Very few wounded seals that escape the hunters die. I have got a few seals that had been wounded, some of them pretty badly, but the wounds were perfectly healed up. These seals must have been wounded some years before.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES FRANCIS.

105 Subscribed and declared by the said Charles Francis before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 26th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Michael Keefe.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Michael Keefe, of the city of Victoria, in the Province of British Columbia, Canada, master mariner, do solemnly declare:

1. That I have been engaged in fur-seal hunting in the North Pacific Ocean for the past six years—two years as mate, and four as master. Three of the six years I was in the Behring Sea sealing.

2. In 1886 I was mate of the "Dolphin," in 1887 mate of the "Anna Beck," in 1889 I was master of the "Beatrice," in 1890 and 1891 master of the same schooner, and in 1892 master of the "Rosie Olsen."

3. That in 1892 my schooner got 180 skins on the coast. These were nearly all young bulls—very few cows, and none with pup. I am certain of this, as it was remarked by the hunters and crew at the time as something unusual.

4. In 1882, on the "Beatrice," on the coast, I got 913 skins from between Cape Flattery and Kadiak Island. The next year I got 200 on the coast, and the third year in the "Beatrice" about 200 on the coast. In each of these years by far the larger percentage of the catches were

males. Some years there are more females got than in other years, but I have never got more females in any catch than males. On the coast some of the females are with pup; my experience is that not more than 20 in the 100 are with pup. The largest part of my catches has always been young bulls, and of the females, mostly young cows.

5. That I have been three seasons in Behring Sea hunting seals. In 1887 I was there in the "Anna Beck"—seized after three days' sealing. I was there again in 1890 and 1891 in the "Beatrice." In 1890 I got 900 skins there between the 20th July and 24th August. This catch was about two-fifths females—none in pup—none with a supply of milk, but a good many showing milk dried up. These cows had been to the breeding-grounds, and had finished nursing their young.

6. In 1891 I got 300 seals in about ten days' actual sealing, and was then warned out on the 26th July. This lot of seals was divided as to sex about as the year before. I went across Behring Sea to the Copper Island grounds last year, 1891; I saw seals for a long distance west of the Pribyloff Islands. I got 500 seals there last year—nearly half cows. Most of the cows showed dried milk in the breasts. This was after the 12th August.

7. This year I went over to the Asiatic side outside the Aleutian Islands, about 30 miles off shore. I saw scattering seals all along the course, especially off Amutka Pass (172nd), and also about the 180th parallel of longitude. These seals all seemed to be travelling towards the Behring Sea, but to what point I could not tell.

8. That on the Copper Island grounds this year I got about 200 skins in two weeks, 100 of which were good [got?] in one day. This 100 were 90 per cent. males. Shortly afterwards I was seized, and the voyage broken up.

9. That there is no difference in the seals on the two coasts. There may be a difference of quality in the fur, but in the seal itself there is none.

10. This year I saw just as many seals on the coast as in any of the first three years I was out sealing. Some years there seems to be more on the coast than other years, but on the whole I see nothing to warrant the conclusion that the seals are decreasing in number. If there is a decrease in the number going to the rookeries, it is because of the killing on the rookeries.

11. I have always had Indian hunters, and they lose no seals. They use the spear always, except when the seal is liable to escape after spearing. I am speaking only of my own Indian hunters.

12. That I have never seen a dead seal on the water, nor have I known any of my hunters to find any.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) MICHAEL KEEFE.

Subscribed and declared by the said Michael Keefe before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 26th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

106 *Declaration of John Coburn.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, John Coburn, of the city of Victoria, in the Province of British Columbia, Canada, fur-seal hunter, do solemnly declare:

1. That I have been fur-seal hunting on the North Pacific coast for five years, four seasons of which I have also been in Behring Sea.

2. That in 1892 I was on the "Carmolite," in 1891 on the "Pioneer," in 1890 on the "Annie C. Moore," in 1889 on the "E. B. Marvin," and in 1888 on the "Edward E. Webster."

3. That in 1888 I got 150 seals on the coast. I did not lose any by sinking. In 1889 I got 350 for the season—about 160 on the coast, the rest in Behring Sea. I don't remember losing any by sinking that year; I am pretty sure I did not. In 1890 I got 140 on the coast, and 120 in Behring Sea. I think I lost one that year by sinking. In 1891 I got 156 on the coast, and 248 in Behring Sea. I did not lose any by sinking at all last year. This year (1892) I got 149 on the coast, and 101 on Copper Island grounds. I lost one by sinking on Copper Island grounds. This was a big bull just from the rookery, and too poor to float—nothing but skin and bone.

4. That this year my coast catch was nearly all young bulls. It was the same with all the hunters on the "Carmolite." None of the females I got were with pup; they were either young cows or barren cows. For previous years I am not prepared to say definitely what the proportion of females to males was, but I feel safe in saying that less than half my catch every other year were females. About one-half the females were young and barren cows, the other half cows in pup.

5. In Behring Sea the bigger half of my catches were females—none in pup. In the early part of the season some of the females would be in milk, but later on the milk would be dried up.

6. I shoot sleeping seals at from 10 to 20 yards, and "travellers" at from 25 to 50 yards. The seals are all wilder and harder to get than they used to be, especially on the coast. I have always found seals in schools or bunches; they are very hard to get when in bunches. I have chased bunches of seals all day, and got none at all. No hunter gets one seal out of a thousand that he sees, taking the season through.

7. The most seals I ever saw at any one place was off Cross Sound this year, but we could not get near them. They were all in schools and moving about. In 1890 I saw immense numbers of seals off the mouth of the Columbia River.

8. That there are just as many seals on the coast now as there were when I first went out; in fact, this year I saw more seals on the coast than ever before. Whether the hunters get more depends on the weather and how the seals are bunched. Young bulls are easier got at than females.

9. That I wound very few seals that escape. I am sure that five in a season would be the outside number.

10. That I have never found a dead seal on the water.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN COBURN, his × mark.

Witness:
(Signed) F. PRATT.

Subscribed and declared by the said John Coburn, the same having first been read over and explained to him, and he fully understanding the same, before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 26th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of George Wells.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, George Wells, of the city of Victoria, in the Province of British Columbia, Canada, fur-seal hunter, do solemnly declare as follows:

1. That I have been three years hunting fur-seals in the North Pacific Ocean; two seasons I was in Behring Sea.

2. That in 1890 I was on the "Annie C. Moore." That was my first year. I got 134 skins on the coast and 100, in Behring Sea. More than half of my coast catch that year were bulls, and about one-half the females were with pup. I got that year a larger number of young and barren cows than usual. In Behring Sea that year about two-thirds I got were females, none of them with pup. A few were in milk, but most of them were dried up. They had pupped and finished nursing their young. The "Annie C. Moore" sealed most of the time 40 to 45 miles from the Pribyloff Islands all around them.

107 3. That in 1891 I was a hunter on the "Pioneer." I got 169 seals on the coast, and 253 in Behring Sea. My coast catch was about half females, and half of these were with pup. In the Sea I got about the same proportion of females as the year before; a few were in milk, but the most of them were dried up. After July all the cows are dry of milk. It is only in the first three or four weeks in July that cows with milk in any noticeable quantity are got.

4. That in 1892 I hunted on the "Carmolite." I got 164 skins on the coast, and 134 on the Asiatic side. My coast catch this year was four-fifths bulls. Of the females not more than half were in pup. The other hunters on the "Carmolite" had about the same average of females. On the Asiatic side I got more females than males; there were no pups in them and no milk; they were dried up. This was after 1st August.

5. That up to this year I had never lost a seal by sinking. This year I lost two, both on the Asiatic side. I shot them at too great a distance, and they went down before the boat reached them. The number of seals lost by sinking among good average hunters is very small; a good deal depends on the boat puller and boat-steerer and the condition of the sea.

6. That I noticed no difference between the seals on the two sides of the Pacific. I often get seals on the American coast differing slightly in colour from the general run, and the same is true on the Asiatic side.

7. That I saw more seals on the coast this year than in either of the previous two years. The most I saw at one time and place was off Cross Sound in May this year. I saw far more there than I ever saw in Behring Sea. They were in schools, large and small, and very wild.

8. That I have never picked up dead seals, except those I shot myself. I never knew any of the hunters I was with to find any.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEORGE WELLS, his × mark.

Witness:
(Signed) ROBT. E. MCKEIL.

Subscribed and declared by the said George Wells, the same having been first read over and explained to him, and he fully understood the same, before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 26th day of November, 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of William F. Roland.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, William F. Roland, of the city of Victoria, in the Province of British Columbia, Canada, fur-seal hunter, do solemnly declare:

1. That I have been three years hunting fur-seals on the North Pacific coasts, two of which I was also in Behring Sea. In 1890, my first year, I was on the "Ocean Belle," and in 1891 and 1892 on the "Carlotta G. Cox."

2. That in 1890 I got 131 seals on the coast. I did not keep an accurate account of what I lost by sinking, but it was not more than 10 or 12. In Behring Sea that year I got 65 seals, and lost 2 or 3. In 1891 I got 111 seals on the coast, and 293 in Behring Sea in one month. We went into the Sea on the 8th July, and were warned out on the 8th August. I lost 4 seals on the coast and 7 in Behring Sea by sinking last year.

3. That about one-third of my catch on the coast each year was females, but this year, 1892, I got less cows than in either of the two previous years. My catch was mostly young bulls this year.

That in Behring Sea my catch was about half females; none in pup; more than half of them in milk in varying quantities from a good supply to a few drops in cows about dried up. It is only in the early part of the season in Behring Sea we get cows in milk, and before the end of the season they are about all dried up.

4. That this year, 1892, I got 369 seals on the coast, and lost by sinking 11. I kept accurate account of this. On the Asiatic side I got 136 seals, and lost 8 by sinking. Most of the seals I lost were shot at long range with a rifle. I wounded a few seals that escaped, but I always got seals that were badly wounded. There was little danger of those that escaped dying from their wounds.

5. That I saw a great many more seals this year than ever before all along the coast, but especially at Fairweather grounds and off Cape Cook, Vancouver Island. I also saw a great body of seals in February last off Cape Flattery. The weather was too rough to lower the boats, and we got none of them. They were in big bunches travelling northward.

6. That every year, on the return from Behring Sea or the Copper Island grounds, I have seen scattering seals in the North Pacific Ocean on our course about 400 or 500 miles from Kadiak Island along the 50th

parallel north latitude. This would be about September, between the middle and 1st October.

7. In my three years' sealing I have picked up three dead seals, two this year on this coast, and one in Behring Sea in 1890. One of those got this year I had killed myself a short time before; it was still
108 warm. I know it was one I had killed myself, as there were no other hunters around. The other one this year I got early in the morning close to the vessel where we had been hunting the day before. The one in Behring Sea had been dead a day or two; it had been shot through the ribs, and very badly wounded.

8. That in each year I have been out I have seen the seals in bunches or schools, from three to fifteen in a bunch, and sometimes a large school of these bunches. I have seen this all along the coast from Cape Flattery north to the Behring Sea, and in Behring Sea I have seen very large bands of seals—all kinds of seals mixed up. Generally these bands and schools are made up of all ages of both sexes, but now and then I have seen a bunch of all one kind and sex. As we go north the cows with pup draw ahead of the others and enter Behring Sea first. Large bulls ("wigs") seldom come south of Queen Charlotte Island, and go back to the Sea very early.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) W. F. ROLAND.

Subscribed and declared by the said W. F. Roland before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 6th day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Arthur W. Roland.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Arthur W. Roland, of the city of Victoria, in the Province of British Columbia, Canada, fur-seal hunter, do solemnly declare:

1. That I have been out in three successive years hunting fur-seals in the North Pacific Ocean, two of which I was in Behring Sea and once over on Copper Island grounds.

I was first out in 1890 on the "Ocean Belle," and in 1891 and 1892 on the "Carlotta G. Cox."

2. That in each year I was with my brother William F. Roland, whose declaration I have read. I have a personal knowledge of what is therein contained, and it is true and correct.

3. That in 1890, my first year, I got 73 seals on the coast, and 49 in Behring Sea. The "Ocean Belle" experienced very rough and thick weather, and had only a few good days in August while in the Sea. I lost none on the coast by sinking, but in Behring Sea I lost two. I don't remember how many cows I got, either on the coast or in Behring Sea, that year.

4. That in 1891 I got 125 seals on the coast, and lost 3 by sinking. In Behring Sea I got 279 seals, and lost by sinking not more than 5. I think the exact number was 4.

Both on the coast and in the Sea about one-half my catch was females, and on the coast about half the females were with pup. In Behring Sea no females in pup were taken. In the first part of the season in the Sea I got a number of cows in milk, but after the 1st August the cows were nearly all dried up. The seals were got from 80 to 125 miles from the Islands—most of the seals from 80 to 100 miles off.

5. That in 1892 I got 286 seals on the coast, and lost by sinking 1. After the coast sealing was over we went to Copper Island grounds. I got 78 seals there, and lost two by sinking. I kept count of all the seals I lost in that way, both last year and this year, and am sure of the number for each year. My catch on the coast was about one-third females this year, and most of these were with pup. On the Copper Island side about half I got were females, none with pup, some with milk, but most of the cows were dried up.

6. That coming home this year from Copper Island grounds I saw some scattering seals about 500 miles south of the Aleutian Islands along the 50th parallel of north latitude. Last year I saw some seals when about half-way between Unimak Pass and Cape Flattery in nearly a direct course between these points.

7. That the fur of the seals generally on the Asiatic coast is a shade darker than on this side, but I have seen seals on this coast as dark in colour as any I saw over there. Except in this respect there is no difference between them.

8. That I saw more seals on the coast this year than in any other year I have been out. The largest number I have seen at one place and time was on the Fairweather grounds this year in the latter part of April and in May. On the lower coast I have seen great numbers of seals off Cape Flattery in February, and off Cape Cook in March.

9. Most of the seals I have lost by sinking were shot from a long distance—from 75 to 150 yards. I have killed and got seals shot with a rifle at a distance of 200 yards.

10. That last year I picked up one dead seal on the water in Behring Sea. It had been killed by a shot in the body, and had been dead two or three days.

11. That very few seals that are badly wounded escape. They are followed up, and a second shot kills them. Those that escape are wounded very little, and soon get well. I have got several seals that have been wounded. One old bull I remember had a charge of buckshot just in front of the fore flipper. The shot was all there, and had evidently been there two or three years. It is almost impossible to kill a seal with shot unless the vitals are reached.

109 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. W. ROLAND.

Subscribed and declared by the said Arthur W. Roland before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 6th day of December, A. D. 1882.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of John Matthews.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, John Matthews, of the city of Victoria, in the Province of British Columbia, Canada, fur-seal hunter, do solemnly declare:

1. That I have been hunting fur-seals in the North Pacific Ocean two years, and in Behring Sea a short time—one year.

In 1891 I was hunting on the "Umbrina," and in 1892 I was on the "Brenda."

2. That in 1891, my first year, I got 87 seals on the coast, 71 in Behring Sea on eastern side, and 30 on the Copper Island grounds. The "Umbrina" was warned out of Behring Sea after two or three weeks' hunting, and we went to the Asiatic side.

3. That in 1891 I kept account of all the seals I lost by sinking. I marked every seal I lost that way in my book. I lost 4 on the coast, none in Behring Sea, and 2 at Copper Island. I wounded a few seals that got away, but I am sure I got 8 out of every 10 seals that I shot at, taking the season through. All the seals I lost were old bulls, which sink very quickly when shot, because they are generally very poor, all skin and bones. One of these old bulls I got alongside the boat, but he was too big to get on board, and I let him go.

4. That in 1892 I got 99 seals on the coast, and lost none at all by sinking. I wounded a few, but got most of those I wounded. I got 98 seals on the Copper Island grounds this year, and lost by sinking 4. A few that I wounded escaped, but, taking the season through, I got at least 8 out of every 10 I shot at.

5. That I did not pay much attention to the number of either sex of seals I got in any year, but my recollection is that the sexes were about in equal numbers. Of the seals I got both years on the coast, not over one in five were females with pup.

In Behring Sea, in 1891, my catch was nearly all bulls, at least five out of every six. No cows with pup were got, but a very few cows in milk were got, some of them nearly all dried up.

6. That on the "Brenda's" voyage home this year from Copper Island grounds I saw seals in the North Pacific about 300 miles south of Middleton Island. This was about the middle of September. We also saw seals about 15 miles off Cape Flattery about 21st September.

7. That I did not notice any difference between the seals on the two sides of the North Pacific, except that the seals on the Asiatic side seemed not so wild as on this coast. I think there were a larger number of darker coloured seals on that side, but the difference is slight, and I have seen seals of the same shade of colour on this side.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN MATTHEWS.

Subscribed and declared by the said John Matthews before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia this 6th day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Andrew McKeil.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Andrew McKeil, of the city of Victoria, in the Province of British Columbia, Canada mariner, do solemnly declare:

1. That I have been out on sealing-vessels on the North Pacific coast two years as mate—in 1891 on the "Maud S.," and in 1892 on the "Sadie Turpel."

2. That in 1891 the "Maud S." got 1,533 seal-skins, caught by six hunters. More than half of the whole catch were males. We did not leave port until the 24th April, and our coast catch was only about 400. The rest were got in Behring Sea. About three out of the five of
110 the females taken on the coast were cows with pup. In Behring Sea we got no cows with pup. Up to the 1st August the hunters get cows with milk in them, but after that date the milch cows begin to disappear, and very soon none are got in milk. By the 20th August the milk in the cows has all dried up.

3. That the hunters on the "Sadie Turpel" this year got 451 seals on the coast, and 244 on the Asiatic coast around Copper Island. The number of cows in pup was about the same as last year on the coast. On the Copper Island grounds about half our catch were females. Mostly all the females had pupped, and were about dry of milk. We reached there about the 2nd August, and left on the 2nd September.

4. That I saw more seals on the coast this year than last, especially off Cape Cook, Cape Fairweather, and Sitka, but got fewer, partly owing to rougher weather, and partly to having an inexperienced captain and crew.

5. That at all the places I have named the seals were in schools and bunches, and travelling north and westerly. The schools or bunches were mixed—all ages of both sexes, except old bulls, were together.

6. That last year, 1891, the "Maud S.," after being warned, sailed across Behring Sea in nearly a direct line between the Pribyloff Islands and the Commander Islands. I saw seals every day on the voyage over. These seals were mostly sleepers, so I cannot say which way they were going.

7. This year the "Sadie Turpel" went over to the Copper Island grounds, outside of, and about 75 or 80 miles south of, the Aleutian Islands. I saw seals every day on the voyage from Amutka Pass to Atu Island. We got seven at different times on the way over. These seals were shot from the deck, and a boat was lowered to get them in. These seals were travelling in towards the Sea in a westerly direction. They were all bulls, from 2 years old up. On the return voyage we saw seals off Atu Island, about 60 miles south. Some of these seals followed the vessels for some time in a southeasterly direction.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ANDREW MCKEIL.

Subscribed and declared by the said Andrew McKeil before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 6th day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of G. C. Gerow.

Mr. G. C. Gerow declares as follows:

I have been sealing five seasons. I first went out on the "Triumph" twelve years ago; she was afterwards lost. Four years ago I went out on the new "Triumph," the next year on the "Ariel," the third year on the "E. B. Marvin," in which I have a part interest, and last year on the "Umbrina." I have always been engaged as hunter.

During the last two years I have kept a strict account of the seals shot by me, and would be willing to say under oath that I did not lose one in eighteen. Often when I would get thirty or more seals in one day none would be lost, but at other times I would lose quite a large percentage, but on the whole season not more than one in eighteen would be lost. Of these, I am not sure that they were killed, but about that percentage is struck and lost.

I have no way of knowing how many wounded seals get away and die, as there is no way of telling; but there are not many, for if a seal is not badly wounded it will get away and live. If badly wounded it will be certainly got. It is very seldom that a seal can be shot anywhere but in the head or neck; if shot in the head it will die, and if in the neck it may get away if not hit in a vital part. I know that some wounded ones get away, for last summer near Copper Island we took some seals that had been shot before, some a week, and some much longer. If many seals were wounded and died they would be found afterwards, as, unless a seal is killed instantly, it will as a rule float. In five years I have found but one dead seal. It had been some time dead, for it was much decomposed. If a seal is killed at once it begins to sink in about half a minute, always going down rump first. A male always sinks more quickly than a female.

Good hunters lose very few seals, and poor hunters do not lose as many as they say they do. They often excuse themselves for not having brought in seals by saying that they killed them, but that they sank. The pullers tell quite a different story, however.

Seals are sometimes found in schools or bunches of from five to twenty. A year ago last March I found them that way off the Columbia River. When seals are in bunches it is almost impossible to get any of them, as there is sure to be one or more that are lively and on the watch, and who give warning to the others. If I saw one seal in one direction, and a bunch in another, I would go after the single seal. It is all nonsense to say that if a schooner gets into a school a great many are killed, for they would likely all get away. I never have seen a school or bunch of any particular kind of seal. Late in the season there are a good many young males that do not go to the islands until late, or not at all; but at other times all kinds are mixed together; sometimes, however, a day's hunt will co sist of nearly all males, and sometimes nearly all females.

Of my coast catch about two-thirds are females, and about the same in Behring Sea. In a good season's catch there would be about 100 to 150 barren females.

111 I have found all along Queen Charlotte Islands females in milk who have dropped their pups. The most I ever saw was when on the "Triumph" four years ago; in June we got seventy or more females in milk that had dropped their young. I and all other sealers have had this experience, and believe that the seals have some place about, or south of, the Queen Charlotte Islands where they give birth to their young.

I have seen seals catching young cod and salmon and a fish like a mackerel, and have found the same kinds in them.

I have never taken or heard of any one else taking a stagey skin, or one that was not as good at one season as another.

I do not know how far cows go to sea to feed when they have young on the islands, but far to the westward cows in milk are seldom taken; the seals there are young females and males.

I have taken seals in the 172nd Pass early in July, and in all the passes east of that.

All the years before last year I found young seals in September all along between the pass by which we came out of Behring Sea and Cape Cook. These seals had not been at the breeding-islands. Last year was too stormy, and no look-out was kept.

I do not believe that the seals can be exterminated if all the schooners in America are sent after them, if they are protected on the breeding-islands. There will never be more schooners sent after them than it pays to send, but even if there were, the seal understands getting away better than men understand taking them.

They are getting more wary every year, and unless they are asleep it is almost impossible to get them. They seem to know now that we want them. They used to come close up to the boat and look at us; now they don't come near us at all. Formerly, if two sleepers were found together, both would very likely be got, as after one was shot the other would come up beside it and look about and would be easily shot; now the second one goes down and will not be seen again, or comes up out of reach. Formerly, if we found ten or so in a bunch of kelp, we would get at least six; now we're lucky to get two.

They were as plentiful as ever last year, but very much harder to get.

I hereby certify that I have given the above facts voluntarily and without consideration.

(Signed) G. C. GEROW.

I certify that the above declaration was read over to Mr. G. C. Gerow, and signed by him in my presence.

(Signed) GORDON F. GRANT,
Chief Engineer, Steam-ship "Quadra."

STEAM-SHIP "QUADRA," *May 12, 1892.*

Declaration of Captain James Gaudin.

I, Captain James Gaudin, of the steam-ship "Quadra," do solemnly declare:

That I was in the year 1887 captain of the schoonor "Ada." Early in July we started from Victoria on a sealing voyage. As it was late we steered direct for Behring Sea, and saw no seals until we got there about the 20th July. We were seized by the "Bear" about the 25th August. We got nearly 1,900 seals while in Behring Sea. I had an Indian crew.

From their reports I know that less than 5 per cent. of the seals killed were lost. They used both guns and spears. There were ten or twelve seals shot from the schooner, to get which a boat had to be lowered. None were lost, so they must have floated two or three minutes at least. My hunters always said that if the boatmen were smart seals were seldom lost.

They never fired at long range—20 or 30 feet. Never saw a school of seals. They don't go in schools. There was not one grey pup among all the seals we got. They were chiefly females, but nearly all were dry as if they had had their pups, but were through suckling them. A few were in milk. On the stomachs of seals we found a fish like a mackerel, and sometimes squid.

About the 1st September seals were plentiful outside Akutan Pass. We never got seals whose skins were stagey or poorer at one season than another. I don't think seals can ever be exterminated by killing them at sea; they have too many chances of getting away.

(Signed) JAS. GAUDIN.

STEAM-SHIP "CHIEFTAIN," *May 23, 1892.*

Declaration of Charles Blomquist.

I, Charles Blomquist, do solemnly declare:

That I was for three months last year (1891) steerer in one of the sealing-boats of the schooner "Sea Lion." I was in her up to the date of her being warned by the "Nymphe." My position as steerer gave me a good chance of seeing how many seals were missed by the hunter in the boat in which I was, and how many of those killed sank and were lost. It is easy to tell when a seal is hit and killed, because they generally throw their flippers up in the air, and bring them down on the water before they sink. If they are missed, or only wounded, they "breach" at once, and dive, coming up far away. The hunter I was with missed a good many. He killed 149 seals, and of these 3 sank; one of these was gaffed, but sank with the gaff. When a 112 seal is shot, it sometimes sinks at once, and sometimes it does not sink at all. One day the hunter shot two sleepers near one another, one on each side of the boat, and both floated. If a seal is shot in the windpipe, it sinks at once. I skinned nearly all the 149 seals, and saw the others. There were about fourteen or fifteen females among them. Nearly all of these seals were got around Middleton Island.

I heard some Indians talking on the schooner "Aurora;" they said that they had been ashore on Middleton Island, and had killed seals there.

(Signed) CHARLES BLOMQUIST.

I certify that the above declaration was read over to and signed by Charles Blomquist in my presence.

(Signed) W. J. CULLUM.

STEAM-SHIP "CHIEFTAIN," *May 23, 1892.*

Declaration of Captain S. W. Buckman.

I, Captain S. W. Buckman, now a pilot on China and other steamers coming to this port, declare:

That I was, in 1886, captain of the steamer "Sardonyx," running from Hong Kong to Victoria. In that year we passed through seals for two days and a part of a third about 150 miles south of the Aleutian Islands. We moved at the rate of about 9½ miles an hour. We saw the last of them somewhere about the 172nd meridian.

The captain and mate of the "Zambesi" have told me that in January last they saw seals in about the same place, or a little to the west of where I saw them. When I saw them they were about as plentiful as sealers generally find them, but the officers of the "Zambesi" report them as being much more abundant than that. I consider that they came from the Japan side, and were a part of the seals that go to the Commander Islands.

In 1889 I was captain of the schooner "Ariel," which went to Behring Sea on a sealing voyage. In that year we saw a good many females in milk that had had their young, south of the Aleutian Islands, and in June, north of Queen Charlotte Islands, we saw a few young seals at times swimming in the water; they appeared to be about two months old. I do not think that all the seals go to Behring Sea, but believe that some of them remain around the Queen Charlotte Islands all the year round. I cannot give an estimate of the number of females taken, as I never kept any record.

I do not think that more than one out of ten or fifteen seals killed is lost at the very outside. While I was out a good many seals were shot from the schooner, and they were nearly always got, although it takes some minutes to lower a boat. I have very seldom seen them sink. Hunters will sometimes shoot three or four seals before picking them up. I have noticed that when the carcasses of seals are thrown overboard a great many float, more than half of them. My hunters shot at seals when about 40 or 50 feet from them, and at that distance it does not take long to reach them after they are shot.

On thinking over the matter, I do not believe that more than one seal out of twenty or twenty-five killed is lost. I have seen the seals catching a fish like a mackerel, but I have never examined the contents of a seal's stomach.

I have never seen more than eight or ten seals together in fine weather, but in rough weather they seem to travel more, and then I have seen many more than that; as far as half-a-mile would be covered with them a little distance apart. I have found that some boats would bring in all small-sized bulls, while others bring all females.

Barren females are often found. I think that the young males travel together, and that the older ones go with the females.

I never saw a skin taken in the summer that was poorer than at other times.

(Signed) S. W. BUCKMAN.

VICTORIA, *June 1, 1892.*

Declaration of Captain William Grant.

I, Captain William Grant, declare:

That I made many voyages to and from China and Japan, and that I have often seen seals at sea. The following is an extract from my private diary when a passenger on the "Parthia": "Noon, the 3rd December, 1890. Latitude 42° 29′ north. Longitude 157°35′ east. At 10 A. M. saw lots of seals around the ship in large schools jumping out of the water, heading towards the south." Some of the officers had noticed seals when day broke, and they were very plentiful until about 11 o'clock, when the sea grew rough, and they could no longer be seen. They were travelling for the most part in schools, sometimes as many as 30 or 40 together. They were not of one particular age or sex, but

were of all kinds. When captain of the barque "George," running from China to Victoria, I, on three different trips, noticed seals in about the same locality, but do not now remember the time of year in which they were seen, as no note was taken at the time. After I left the "George" I put Captain Townsend in charge, and he has told me that on two voyages he saw seals in about the same latitude and longitude as that mentioned above; the locality was marked on a chart by him.

The chart is now on the "Ainoka." Captain O'Leary, of the
113 "Ocean Belle," told me that in October last year, when returning from sealing near the Commander Islands, he found seals very abundant about half-way between Cape Kapury and Attu Island.

(Signed) WILLIAM GRANT.

Seven hundred seals were taken by "Ocean Belle" in three days at locality mentioned.

W. G.

VICTORIA, *June 1, 1892.*

Deposition of Edward Pratt Miner.

STATE OF WASHINGTON, *King County, City of Seattle,*

Edward Pratt Miner, being duly sworn, deposes as follows:

I went out sea-otter or seal hunting in 1876, when I went sea-otter hunting on the coast of California. Between 1876 and 1878 I was hair-seal hunting on the Santa Barbara Islands. In 1878 I was again sea-otter hunting on the California coast. In 1879 I was not out at all, but in 1880 I was out in the schooner "Three Sisters," of San Francisco, Captain Beckwith, master. She was chartered by H. Liebes & Co., and was supposed to be going out on a sea-otter and fur-seal hunting expedition, but as a matter of fact all of us who shipped as hunters knew that the vessel had been fitted out for a raid on the rookeries on the Commander Islands. We lowered boats twice on the Alaskan coast on the way north and got one sea-otter, but did no fur-seal hunting. Early in July we started from the Alaskan coast for the Commander Islands, and about the middle of the month landed on the west side of Copper Island. We landed in the day-time in a fog. There were three boats. We had killed about 800 seals before we were seen, but had taken none of them on board the vessel. A bidarka with natives in it came along then, and we knew that warning would be given to the people on the island, and we began skinning the seals. In about an hour what appeared to be fifty men came across the island to where we were, and began firing at us with blank cartridges. We started off at once, but when some distance from land began killing seals in the kelp. They then fired on us with bullets, and we went on the schooner. All the skins we got of the seals we killed was 153. Before we made the raid on the seal rookery we had anchored at the north end of Copper Island where sea-otter are plentiful, and while there a bidarka full of natives came out to us and served a warning on the captain, telling him that he must not hunt within 5 miles of the islands—the miles were, I suppose, meant for Russian miles. We went from Copper Island to the Kurile Islands to look for sea-otter, and after getting one sailed on the 4th August for San Francisco.

In 1881 I went out on the "Annie Cashman," of San Francisco, on a seal-hunting trip. During April and the early part of May we sealed

off Cape Flattery. This was the first pelagic sealing I had ever done, and had not heard of other white men killing seals in the water before that time. We went from there to the Shimigin Islands, killing some seals as we went along, and spent some time there, going into Behring Sea in the latter part of June. We didn't hunt seals there, but were looking for walrus. We were at St. Matthew Island the 4th July, and went from there to Copper Island. We landed there one clear day, and in an hour and a-half took 250 seals, and had them all on board before the natives came to where we were. We went away then, but came back the next night. We were fired on by the natives, and did not land. We went from there to Robben Island, reaching there about the 1st November. Our schooner and three others anchored there, and we went ashore and clubbed the seals. Our schooner's share was 800 skins. We went from there to Yokahama, where I remained.

The next year, 1882, I sailed from Yokahama in the schooner "Otome" otter hunting to the Kurile Islands. The year before this Captain Snow had found a new rookery on Shred-noi Island, and in 1882 we went there and camped ashore; there were eight schooners of us. I do not remember exactly how many seals we got then, but know that there were 1,000 in the first drive. A rookery had been found on Moo-shire Rocks the year before, and we worked both rookeries that summer. Shred-noi Island and Moo shire Rock are about 160 miles apart, and form part of the Kurile group. We went from there to Robben Island, and waited until the "Leon"—the vessel that was guarding the island—went away; we then landed and killed about 12,000 seals. It was either this year or the previous one, I am not now sure which, that Captain Blair, of the "Leon," had, in order to break up the rookery, killed all the seals that could be found. He did not have them skinned, but simply cut them down the back and across the body, and left them in piles on the beach to rot. I estimated that there were about 20,000 in all. I heard that after we had been there men landed and buried the seals so that others would haul out, but while we were there nothing was done, and all the seals we got were the ones that came ashore. From there we went to Yokahama.

In 1883 I went in the schooner "Otsego," of Yokahama, sea-otter and seal hunting, but we wanted particularly to find a rookery in the Japan Sea. I was mate and navigator. We were looking for the Waywoda Rocks on which seals had been reported to haul out, but these rocks, I believe, do not exist. We found seals, however, on the Bittern Rocks, 14 miles off north-west coast of Nipon Island. They hauled out there every year, though the natives killed them as fast as they came ashore. We went salmon fishing after that, and then to Robben Island, where 300 or 400 seals were got.

In 1884 I was mate and hunter on the schooner "Penelope;" we hunted sea-otter on the Kurile Islands, and then north along the Kamstchatkan coast to Karaginski Island. We killed fur-seals here and there all up the coast, and near Karaginski Island as well. These seals, I think,
were from the Commander Islands, as I was ashore in many places
114 on Karaginski Island, and saw no signs of fur-seals or of rookery
grounds. In 1881 when we went from St. Matthew Island to Copper Island we went to Karaginski Island, but saw no fur-seals near there. We landed on the two small islands to the northward of Karaginski, and though we found no fur-seals we found a great many skeletons and skulls ashore there; the skulls were all broken up as if they had been clubbed.

In 1884 we went from Karaginski Island to Yokahama, getting a few seals on the Moo-shin Rocks.

In 1885 I went out as master of the "Penelope," and discovered a new rookery on Rikoka Island, one of the Kurile group. We got about 3,500 skins there. I had not enough salt to cure more, and went to Yokahama. When the news spread several other schooners went to this rookery and frightened the seals away; 1,600 was, I think, the most any one got. We went back there again from Yokahama, but the other schooners had been ahead of us, and we got nothing. I went, however, to Robben Reef, and got there about 800 skins. I forgot to say that the schooner "Leon," spoken of before in this affidavit, belonged to the Alaska Commercial Company, and was the vessel that always guarded Robben Reef.

In 1886 I was again master of the "Penelope," and visited Rikoka Island, Moo-shin Rocks, and Shred-noi, but got only about 500 seals. In October of that year I went across through Behring Sea, and out through Unimak Pass, and then on to Victoria.

In 1887 I fitted out the "Penelope" for pelagic sealing, and early in February began sealing along the coast. Before the 1st May I had taken 975 seals, and then went into Victoria and refitted. I then hunted north along the coast to Behring Sea, and took for the season 2,500 skins. I hunted myself and made the third catch, I think. I got about 400 seals, and did not lose more than four or five by sinking.

In 1888 I took the schooner "Lillie L" from San Francisco. I was master. We sailed along the coast to Shumigin Islands, taking about 900 seals. I hunted myself that year, too, and lost about the same percentage of seals as the year before. From the Shumigin Islands we went to the Commander Islands and sealed at sea there, getting about 200 seals. We came home through Behring Sea, and took about 500 skins.

In 1889 I was again on the "Lillie L" as master, and made the same voyage as in 1888, except that we did not go to the Russian side. We got about 1,700 skins. I hunted myself, and lost about the same percentage by sinking as I did in 1888.

In 1890 I was master of the "Allie I. Alger." We sealed along the coast as before, and in Behring Sea. We got 2,600 seals for the season. I hunted that year, too, and took 350 seals, losing not more than four or five.

In 1891 I was master of the "Henry Dennis," and sealed north along the coast, but did not go into Behring Sea. I went to the Russian side, but we were very late, and did not get many seals there. We took only 1,083 seals during the season.

This year I was again master of the "Henry Dennis." We sealed along the coast, and then went to the Asiatic side. We took 2,406 skins. I hunted very little myself, and killed only 159 seals, losing more by sinking than I ever did before. I lost seven or eight. On the 21st day of April my vessel was boarded by an officer of the United States revenue-cutter "Corwin," who invited me to go on board that vessel. While there I was told by Captain Lavender or Captain Hooper that Captain Lavender was collecting evidence about seals, and that he would be pleased if I and my hunters would tell him what we knew. I understood that he wished us to make affidavits. I sent for my hunters, and in the meantime was examined by Captain Lavender. He wanted to know in particular the percentage of female seals that were taken on the coast and in Behring Sea, and the number of seals that were lost by sinking, or that were mortally wounded and

died afterwards. I told him that I thought about 40 per cent. of the seals taken on the coast were females, and this was taken down. I said that my experience in Behring Sea was that about 60 per cent. were females. I told him that not more than 2 or 3 per cent. were lost, and that a good hunter wounded very few seals badly that he did not get. I told Captain Lavender that not more than one seal in 100 that was crippled by a hunter and not got would die afterwards. I was asked what I considered would be a good way of protecting the seals, and told him that, in my opinion, if there was no killing on the islands, and there was a close season from the 1st January to the 15th July or 1st August, nothing more would be necessary to fully protect the seal. After my evidence had been taken down, it was read over to me, and I found that many things I had said were misconstrued, and I insisted on having these set right. He first made changes that I would not agree to, and then wrote down what I wanted. I signed the statement then, but was not asked to swear to it. When the hunters came on board, only one of them—my brother—was examined. They apparently did not care for the kind of evidence he gave, and did not ask to examine the others. The hunters were surprised that only one of them should be asked to give evidence when all had been invited on board to do so.

I know Brown, who was on the "Corwin" as seal-hunter. He is known on the coast everywhere as "crazy" Brown, and is well known to be of no use whatever as a hunter. I gathered from the officers on the "Corwin" that they thought it very strange that he did not get more seals. He had had little experience as a hunter, and was not a man that any captain who knew anything about sealing would take out with him as a hunter.

This year, before I got to the Fairweather Grounds, my catch was males and females mixed in the usual way, but when we got to the Fairweather Grounds our catch was almost exclusively males. The day the "Corwin" was with us I was asked for the carcases of the seals that were taken that day, and gave them 40; 39 of these were males. I took 1,040 seals in April, and there was not among them more than 50 females.

I saw on the coast this year more seals than ever before, taking 1,825 skins for my coast catch.

I never in the years I was on the Japan coast saw seals in considerable numbers in the water—certainly in nothing like the numbers they are reported there now. I have seen many thousand skins from both the Asiatic and American sides of Behring Sea, and could never
115 see any difference between them, and do not believe that any one could. I sealed on both sides this year, and do not believe that any one could separate my Copper Island skins from the American coast skins.

I have frequently heard of raids being made on the Pribyloff Islands. In 1881 or 1882 two schooners anchored to the northward of St. Paul Island for nearly the whole summer. They were the "Otter" and "Alexander," vessels owned by Liebes and Co., of San Francisco. The captains of these vessels told me of this themselves. In 1890, in September, the "C. H. White" made a raid on the islands, and from what I was told by the men on board of her nothing was known on the islands of this raid. The "Edward Webster" raided St. George Island in 1889. The Captain told me of this himself, and it is well known in San Francisco. I have seen money stamped "A. C. C.," and know that this was done to prevent natives receiving money from outside people, as they

were known to do, or from spending anywhere else the money given by the Company. I saw this money in Alaska as well as on the Commander Islands.

I do not think that there were any vessels sealing in Behring Sea this year other than those that were seized, and I am sure that if there had been any I would have heard of it.

I was born in the State of California, and am and always have been a citizen of the United States of America.

I have read over the statements contained in this affidavit, and swear that they are all true, and that no consideration was given or offered me for having made them.

(Signed) EDWARD PRATT MINER.

Sworn to and subscribed before me, this 13th October, 1892.

[SEAL.] (Signed) C. D. EMERY,
Notary Public, resident in Seattle.

Deposition of Joseph J. Beckingham.

STATE OF WASHINGTON, *King County, City of Seattle.*

Joseph J. Beckingham, being sworn, deposes as follows:

I have been out two years sealing—one year as a boat-puller, and the next year as boat-steerer.

I have a good opportunity when in the sealing-boat to see the number of seals that are killed and secured, as well as those lost by sinking. There is not one seal out of 100 lost, as far as my experience goes. The boat I was in this year got forty-six skins, and not one was lost by sinking.

Seals were very numerous this year, and had the hunter I was with been a good one he would have got several hundred skins, but the hunter was no good, and missed nearly all he shot at.

Seals float two or three minutes as a rule, but very often much longer.

From the seals I have seen I would say that there are about as many cows taken as bulls, but not more.

The hunters I have been with shoot at seals when 15 or 20 yards from them, and there is not time for a seal to sink before the boat reaches it.

I was over on the Russian side this year, but could not see any difference between the seals there and those on the American side.

(Signed) JOSEPH J. BECKINGHAM.

Subscribed and sworn to before me this 12th day of October, 1892.

[SEAL.] (Signed) GEORGE S. BUSH,
Notary Public in and for the State of Washington, residing at Seattle.

Deposition of Henry Stewart Algar.

STATE OF WASHINGTON, *King County, City of Seattle.*

Henry Stewart Algar, being sworn, deposes as follows:

That I was first engaged in sealing in 1889, when I went out as master of the sealing-schooner "Allie I. Alger," owned at that time by myself.

I am a citizen of the United States.

That year (1889) we sealed along the coast and into Behring Sea. I was not out again until 1891, when I was out in the same vessel as master.

In 1889 I sealed up the coast and went into Behring Sea, and in 1891 I sealed along the coast as before, but went then to the Russian side of Behring Sea. I do not hunt myself.

I found the seals as plentiful in 1891 as in the former year, and made a large catch on the coast, but the seals were very much wilder and harder to get than in the former year. I had a better lot of hunters than the average.

I have noticed that seals sometimes travel in schools, and
116 have seen them in schools south of Cape Flattery, as well as farther north. When seals are in schools they are very difficult to get at, and we count on getting very few at such times.

I have noticed that when the seals were brought on board there were always both males and females, and know from that that both sexes are found together. I have never counted the seals to see whether there were more males than females among those taken.

I think that when the lease of the Alaska Commercial Company expired a proper guard should have been placed on the islands, and no seals killed there at all. They should be protected while breeding, and there would then be no danger of their growing less at sea.

As a schooner owner I know that there can never be more schooners than at present engaged in this business at a profit, for even though the seals do not decrease, the catch per individual schooner will not pay expenses, and if the seals decrease the number of schooners must grow less. It costs a good deal of money to outfit a schooner properly, and when the catches are not good then there is of course a great loss.

There should, I think, be a heavy penalty for raiding on the islands, and there ought to be a sufficient guard placed there to make a successful raid impossible. I don't know personally of any raids having been made on the islands, but last year I met a man at Allatak Bay, Kadiak Island, who said he had been raiding on the Pribyloff Islands in August 1890, and as I remember it now there was some talk of a raid being made on the islands that season, 1891. The man I saw was then on a schooner called the "Pearl," I think, of which Edward Littlejohn was captain.

There is no difference, as far as I could ever see, between the seals on the Asiatic side of Behring Sea and on the American side as regards size, shape, general appearance, &c.

I feel quite sure that there are not fewer seals now than six or eight years ago, for while there were many fewer vessels then than now the catches were, as a rule, not so large.

I have read the statements written down in this affidavit, and swear that they are all true, and that no consideration has been given me for having made them.

(Signed) HENRY STEWART ALGAR.

Sworn to and subscribed before me the 12th October, 1892.

[SEAL.] (Signed) C. D. EMERY,
Notary Public resident at Seattle.

Deposition of Hiram B. Jones.

STATE OF WASHINGTON, *King County, City of Seattle.*

Hiram B. Jones, being duly sworn, deposes as follows:

That I have been engaged in the sealing business five years—three years as master. I have been master of the schooner "Challenge" in 1887, the "Edward E. Webster" in 1888, and last year I was master of the "Allie I. Alger." By last year I mean this past season.

The "Allie I. Alger" is a Seattle schooner, owned by Mr. Nixon. I hunt a good deal myself. I never kept any exact account of the seals I killed and those that sank after being shot, but the number would not be more than 3 out of 100.

I generally shoot at seals at from 15 to 35 yards from them.

Seals travel in schools very frequently. I have seen them this way very often south of Cape Flattery, as well as north on the Fairweather Grounds. Seals are more difficult to get when they are in schools than when they are scattered about singly. We don't like to get too big a band of them together, and when several are together some are sure to be awake.

Some places we get nearly all males and some places nearly all females, but generally the two sexes are mixed, and with them are the yearlings, that is, the yearlings travel with the older seals.

This year I noticed a good many barren females; my hunters often called my attention to this this year, and we would examine the seal and find that it was a cow, but that there was no young one in her. I never noticed this before to such an extent as this year.

I have not been sealing on the American coast since 1890, but that year saw as many seals as during any previous season.

I have examined seals and know that male seals have teats as well as females, and from the skin alone the sex of the animals could not be determined except in the case of large bull seals.

Both on this coast and in Behring Sea the vessels I have been on got more females than males, I think, but I never paid much attention to this.

I hunted with an Indian crew last year in Behring Sea. They use both guns and spears. I do not think that Indian hunters are so good as white men. Formerly the Indians used spears alone, but they have since learned that guns are better, and are using them more and more.

I have seen seals having connection with one another in the water in Behring Sea, and have killed both the male and the female at such a time. I have heard hunters say the same thing. It is very easy to get seals at such a time, as they don't seem to mind the boat then. If the female is shot first the male will hang about and is easily got.

I have noticed that pregnant females are very wild, and much more on the alert than male seals, and the later in the season it is the wilder they are.

In all the time I have been sealing I never saw but one dead seal floating on the water, and it was a bull seal that had apparently died of old age, as we examined it, and found no sign of its having been shot.

117 This season last I went sealing on the Asiatic side. The 13th February I left this coast for Japan, and fell in with the first seals when about 500 miles from the Japan coast. I found the seals abundant on the Japan coast, and followed them north as far as the north end of Yezo Island. I stopped sealing then about the 20th June, and went to Hakodate to ship my skins, and then north towards the Copper

Islands. I there heard that both the Russian and Americans were seizing sealing schooners, and I came home.

There is no difference between the seals on the Japan coast and on the American coast. I took 1,517 skins on the Japan coast, and saw enough seals to be able to form a good idea as to whether the animals on both sides of the Pacific Ocean were the same, and I consider that they are the same.

I have read over the statements set down in this affidavit, and swear that they are all true, and swear that I have received no consideration for having made them.

(Signed) HIRAM B. JONES.

Subscribed and sworn to before me this 12th day of October, 1892, by Hiram B. Jones, in testimony whereof I have hereunto set my hand and official seal this 12th day of October, 1892,

[SEAL.] (Signed) W. H. WHITE,
Notary Public residing at Seattle, King's County, State of Washington.

Deposition of Edward Cantillion.

STATE OF WASHINGTON, *County of King, City of Seattle,*

Edward Cantillion, having been duly sworn, deposes as follows:

I have been engaged in the sealing business for the past four years. In 1889 I was on the "Allie I. Alger" in the spring, and the "Mary Ellen" for the north coast and Behring Sea hunting.

In 1890 I was on the schooner "Viva" as hunter for the whole season, and in 1891 was on the steam-schooner "Thistle" as hunter. This year I was out as master of the "Willard Ainsworth," a Seattle schooner, and hunted as well.

I am a citizen of the United States of America.

In 1889 I was new at hunting, and shot at seals when I was not sure of getting them. I killed about 400 that year, and lost by sinking as many as 1 in 12, I think. In 1890 I took 450 skins, and lost, I think, about 5 to 8 for every 100 I got. Last year, on the "Thistle," I went out late, and did no sealing but one half-day in Behring Sea, so that our catch was small. I secured 80 skins, and lost 3 or 4 by sinking. It is not difficult to remember about the number lost by sinking, because we are always sorry when a seal is lost, and remember it and speak of it afterwards. A poor hunter imagines that he loses many more by sinking than is really the case. He will shoot at a seal and miss it, and because he may not see it again he will say that he sank it, and such a man will often come back on board the schooner without many seals, and will say that he saw very few seals, and that he sank most of those he shot at. A hunter will make all sorts of excuses to account for his having got few seals.

This year I did not start until April, and took only 223 seals, and did not lose more than 5 by sinking. When a seal is wounded I always chase it until there is no hope of getting it, and I do not think there are many wounded that get away and die afterwards. I have seen seals in schools from below Cape Flattery north to Behring Sea, but when they are in bunches it is almost impossible to get any of them. I think that males and females go in separate bands sometimes, but know that when seals are very plentiful the two sexes are mixed together. I saw this year more seals on the coast than I ever saw before, but they are

growing very wild and hard to get. If they had been as easy to get this year as four years ago, I would have got a great many more than I did get. Until this year my coast catch contained more females than males, but this year there were a great many more males than females.

In Behring Sea my catch always contained more females than males. There is no possibility of ever exterminating the seals by hunting them at sea, for they are getting so wild that in a few years it will be impossible to get near them at all. I remember when, if four or five seals were together, all of them might be got, as when one was shot the others would come up close to where he was, and could be shot one at a time, but now when four or five are together a man is lucky if he gets one at all. I do not consider that any protection at sea is necessary, as the animals are rapidly learning to take care of themselves.

This year, in September, I saw seals in mid-ocean about half-way between the Aleutian Islands and Cape Flattery. I sealed on the Asiatic side this year, and could notice no particular difference between the seals found there and those found on the American side.

I once saw seals cohabiting in the water.

I have found a good many barren cows among the seals I have taken. In the four years I have been out I have seen but one dead seal, such as are called "stinkers," floating on the water.

I have not heard that any schooners were sealing this year on the American side of Behring Sea, except those that were seized, and do not believe there were any others, as I saw or heard of nearly all the schooners that were out, and those that did not go to the Russian side came back home.

When I joined the steamer "Thistle" she had been out nearly three months (this was in April 1891), and the catch up to that date was nine skins. She was called by sealing people when she returned "Old Nine Skins," and there was not one hunter on her who had secured four skins up to the date of my joining her.

118 I heard of a raid being made on the Pribyloff Islands in 1889, but would not like to mention the name of the vessel, or who was on her.

I have read over the statements written down in this affidavit, and swear they are all true, and that no consideration was given me for having made them.

(Signed) EDWARD CANTILLION,
Master, "Willard Ainsworth."

Subscribed and sworn to before me, this 12th day of October, 1892, by Edward Cantillion.

In testimony whereof I have hereunto set my hand and seal, this 12th day of October, A. D. 1892.

[SEAL.] (Signed) W. H. WHITE,
Notary Public, residing at Seattle, King County, State of Washington.

Deposition of William Hermann.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

William Hermann, having been duly sworn, deposes and says:

1. I am a seal-hunter, and have been sealing every year for the last seven years in the North Pacific Ocean, also on the Asiatic coast. This year I was out in the "C. H. White," and was seized by the Russian

gun-boat, after we had been sealing one day, and captured twenty seals.

2. I hunted with either gun or rifle in all cases, and I would not lose more than 5 seals in 100 that I would hit. The average range would be about 25 to 30 yards, and last year, in one day, I remember getting 52 seals off Hakodate Straits with the loss of only 2 or 3, and this year, in the 20 seals I got, I do not believe I lost any, as I was able to get up very close to them.

3. I find that seals travel in schools, and for the most part are mixed as to ages and sexes.

4. Seals are more alert when in schools, and a pregnant seal is more wary than any other.

5. In my catches I have as a rule got more females than males, and frequently taken cows without pups or milk.

6. I do not notice a material difference in the number met with from the time I began hunting until now, but the older seals are becoming more wary and difficult to approach.

7. I can always distinguish a male from a female in the water. Very few old bulls are killed by us, and I have never picked up a dead seal or "stinker" in my life.

8. Some time last April I was examined on this subject in this city by a man who was represented to me as a Government official from Washington; there was also present a representative of Liebes and Co. My evidence was taken under oath, and I told them substantially what I have said here.

9. In the examination previously referred to I was asked if it were not true that hunters lost two out of every three seals shot. I said that was not so. I was also asked if some very poor hunters did not go out and lose a great many, and I said, "Of course, a poor hunter would lose a good few."

10. I do not know of any schooners having taken seals in Behring Sea this year other than those that have been seized, and if there had been I would likely have heard of it.

11. In my opinion the Asiatic skins are better than the Pribyloff Island skins, the fur being longer, thicker, and darker.

12. I think that some protection should be given the seal, but any restrictions made should extend to the islands.

13. I have not been paid anything, nor has anything been promised me, in consideration of my making this statement.

(Signed) W. HERMANN.

Subscribed and sworn to before me, this 23rd day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

William Hermann, of San Francisco, states that two years ago (1890) he was in the Okhotsk Sea, and his schooner got 283 seals on the Island of St. Iona, and altogether 700 seals were got there that year by three schooners, and last year he was there and got 551 in the schooner "Arctic." These were got hauled up on the rocks, and were first discovered by Captain Pine, of the "Arctic," in 1889. Eight years ago Captain Peterson, of the schooner "Diana," of Yokohama, was there, and there were no seals there.

Deposition of William Brown.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

William Brown, of Marzovia, Alaska, having been duly sworn, deposes and swears:

1. Am a hunter and trader, and have been following that vocation for the past fourteen years.

Was agent on the Island of Ounalaska for the Western Fur and
119 Trading Company for three years. I was agent for the Alaska Commercial Company at Marzovia from 1883 to 1891. I own and sail the schooner "Mary Brown."

2. From long residence on the Aleutian Islands I am familiar with the habits of the seal, as they migrate to and from the Behring Sea through the various passes in the Aleutian Islands.

3. Have seen seals coming south through the passes as late as the 10th January, and these would be for the most part yearling pups, but have occasionally seen large ones as late as that date. Have seen large numbers of those pups killed in the vicinity of the passes in November and December by natives and others.

4. In 1879, in the bays of the Island of Ounalaska, I remember the natives getting 1,300 seals. These were sold to the Trading Companies, part of which I bought for the Western Fur Company at 50 cents a skin, and to my knowledge they are taken in this way every year. At Marzovia, where I live, they catch from 300 to 400 every year, and of these 300 or 400 not more than half-a-dozen would be large ones, but near those passes further to the westward the percentage of large ones would be much greater.

5. I would estimate that the number of seals yearly caught in this way would be 2,500. The reason that there are not more larger ones taken is that they go directly through the passes, whereas the smaller ones are obliged to seek shelter in the bays amongst the islands in the neighbourhood of those passes.

6. Three years ago I left San Francisco about the middle of February, and sailed in the schooner "Olga" directly to Alaska, and never saw a seal from San Francisco to Unimak Pass, and this year (1892), sailing on the 28th February to the same place, and as nearly as possible over the same course, saw seals every day. I had seals killed from my schooner 30 miles south of Sannakh Island as late as the 3rd July this year. During my fourteen years' residence on those islands and mainland of Alaska I have not noticed that the seals have diminished in numbers. In good weather for sealing they seem as plentiful as ever.

7. I have not been paid anything, nor has anything been promised me, in consideration of making this statement, which I have read over and found correct.

(Signed) WILLIAM BROWN.

Subscribed and sworn to before me, this 25th day of November, A. D. 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Captain George Scott.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Captain George Scott, of Alameda, California, having been duly sworn, deposes and swears:

1. I live in Alameda, California, and am captain of the "Emma and Louisa," sealing-schooner, and formerly of the "Lily L." I have been sealing for fifteen years, also hunting for otter during that period, and have hunted seals from San Francisco into the Behring Sea and across to the Commander Islands and along the Japanese coast.

2. I have hunted with rifle and shot-gun. With a rifle I would shoot up to 150 yards, and with a shot-gun up to 30 yards. In putting the loss from wounded at 5 per cent. I place it at the extreme, and give the advantage to the loss. We do not keep an actual tally of any loss from wounded seals, but as it is a matter of dollars and cents to us—every seal lost—it therefore makes a deep impression when we lose one, and for that reason I speak with a good deal of accuracy.

3. When seals are travelling they are mostly in schools, and a young seal is most always on watch, and they are more wary and harder to catch than when travelling alone or in couples.

Sometimes these schools are mixed in sexes, and at others all of one sex. On the Californian and Oregon coast the schools are composed of old females and young seals of both sexes, and about Cape Flattery they are joined by the older males.

4. My take, in my experience, from San Francisco to Behring Sea, along the coast, would run about half and half as regards the sexes, and about two-thirds of the cows would be pregnant, and we get quite a number each year of barren cows, though it is impossible now to give actual figures.

Some days in Behring Sea we would get forty seals, and they would be all males; the next day they would, perhaps, be all females, and I would put it at half and half. In Behring Sea for the most part the cows killed are in milk, but I have killed many in which the milk was just about dried, showing that the seal had lost the pup on the passage. This has occurred in the month of June. I have killed these cows 500 and 600 miles from the Pribyloff Islands, and I have also killed them the same distance away and on the pup being cut out from the mother it cried, and would attempt to take nourishment, showing that the seal could not possibly have reached the islands to pup.

5. I do not see any difference in the number of seals now than when I began sealing, but from the number that hunt seals, judge that they are becoming wary and hard to approach.

6. I do not know of any vessels having been in Behring Sea this year (1892) that were not warned away or seized, and had there been any I should likely have known it.

7. I have not noticed any difference in the quality of the skins caught on the Asiatic and American sides. I think they are just the same. In crossing from the American to the Asiatic coast I have noticed seals every day more or less. Seals are found more or less plentiful on different coasts every year, and regulate their whereabouts by the food supply, and I think that both the American and Russian seals are taken about the Equatorial Islands, and are there mingled together in the winter months.

120 8. I have twice hunted on the Japanese coast with good success, my catch having averaged better than here. We start in January for that coast. I have found that the average price of all seal, American, Russian, and Japanese, run the same.

9. I have seen seals cohabiting in the water, and at such times have been able to kill both by killing the cow first.

10. In Behring Sea I place the limit of finding suckling cows at from 75 to 80 miles from the Pribyloff Islands.

11. We do not restrict our hunters in the way of ammunition; they can use as much as they like for practice and for food in shooting ducks and geese, and fully more ammunition is used in this way than in killing seals.

The male seals have teats, and I think it is impossible to tell a male skin from a female when it has been removed from the carcase.

12. At the request of the Captain of the United States revenue-cutter "Corwin," I went on board that vessel and made a statement to Mr. Lavender, an official from Washington, regarding sealing. I cannot remember exactly what was asked me, or what I said, but I do remember being asked as to my opinion as to the best manner of protecting the seal, and whether it would be best to have a close or open season, or to close the Behring Sea entirely. I told him I would close the Behring Sea, meaning, of course, that there should be no pelagic sealing or killing on the islands. What I said was written down and read to me, and I signed it, but I don't think I was sworn.

13. Seals that have been wounded and been re-shot after "breeching" will not sink nearly so quickly as one that has been killed by the first shot, and I have frequently left such a seal on the water for ten or fifteen minutes while I have gone in pursuit of another. The reason for their floating so much longer is that in struggling they inflate their lungs to such an extent they cannot sink. A poor hunter, of course, does not get as many seals as a good hunter, but every one considers himself a good hunter, and after when he has missed a seal, after firing several shots, comes back with a story that the seal has sunk. And this is one of the reasons for the exaggeration in regard to the loss of seals by shooting.

14. I have not been paid anything, nor has anything been promised me, in consideration of making this statement, which I have read over and find correct.

(Signed) GEO. SCOTT, *Captain.*

Subscribed and sworn to before me, this 25th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of George Wester.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

George Wester, of San Francisco, having been duly sworn, deposes and swears:

1. I reside in San Francisco, and am and have been a sealer since 1886, and have been the captain of the sealing-schooner "Emma and Louisa" during the season of 1892, of this port. I have hunted seals from San Francisco north to the Behring Sea, and also off the coast of Kamtchatka and Kormandorski Islands.

2. We leave San Francisco about the latter part of January or 1st February, and return about the end of September or beginning of October.

3. My catches, or the catches of the schooners in which I was a hunter, are as follows:

1886. Schooner "Lily L." 197 seals on the coast. Vessel was seized on entering the Behring Sea, and catch was confiscated.
1887. "Rosie Olsen." 300 on coast, 200 in Behring Sea.
1888. "Mary Ellen." 1,200 on coast, 600 in Behring Sea.
1889. "Mary Ellen." 600 in Behring Sea, 1,200 on coast.
1890. "James Hamilton Lewis." 1,186 on coast, 1,439 in Behring Sea (Russian side).

As master in 1891 on "City Diego" we caught 515 seals on the coast, and 640 in Behring Sea (Russian side), and in 1892 on the "Emma and Louisa," 1,012 seals on the coast only.

4. In 1887 as hunter I individually captured 42 seals on the coast, and 106 in Behring Sea. In 1888, 96 seals on the coast, and 204 in Behring Sea. In 1889 I got 240 on the coast, and 90 in Behring Sea; and in 1890, 206 on the coast, and 325 in Behring Sea (Russian side).

5. In my catch along the coast about 60 per cent. would be females, and these for the most part would be carrying pups. In Behring Sea the percentage of males is greater; they would be about half and half.

6. We have taken a considerable number of barren cows every year, and I would estimate the number at from 20 to 25 per cent. of the number of females.

7. Cows carrying pup are more wary than other seals and barren cows, and pups sleep a good deal, and are easily approached. I have noticed that seals travel north more in schools of late years than formerly, and are in consequence harder to approach, as one seems always on the watch. In the schools the sexes and ages are all mixed.

8. In travelling from the American to the Asiatic side of Behring Sea from the middle of June to the middle of July, I have seen seals all the way across on fine days, and could not distinguish whether they were going to or coming from either coast.

9. I have noticed that the Asiatic seal is rather darker in colour than the American.

121 10. Have always used both shot-gun and rifle, and with shot-gun the range would be from 25 to 30 yards; the rifle range would be from 50 to 100 yards. I estimate that 3 per cent. would cover the loss of seals that were killed or wounded. I have made a special study of this percentage of loss, because of the agitation against the use of fire-arms in killing seals, and I speak from my personal knowledge.

11. Seals are just as plentiful now as they were the first year I went hunting, but seem to be more on the alert and harder to approach, and I have seen as many, if not more, this year (1892) as in any previous year. We see more seals some years than in others, and one vessel sees seals when others do not, depending more or less how they strike the run.

12. I did not hear of any schooners having been in Behring Sea this year other than those warned or seized.

13. In the month of September, coming from the Commander Islands to Cape Flattery, on or about the 50th parallel, have seen more or less seals every day. I have seen seals in all the passes in the Aleutian Islands that I have entered between Unimak and Attou Island in the month of June.

14. I have seen seals cohabiting in the water, and at those times have been able to kill both male and female.

15. I consider that some measure of protection should be given the seal, and, in my opinion, the best protection would be in closing Behring Sea altogether and prohibit killing on the islands.

16. A vessel is supplied with ammunition on the basis of about 2,000 rounds a hunter; considering a good hunter's catch to be 500 seals, or allowing four shells per seal. Perhaps as many as twenty shots may be fired at a seal without mortally wounding him, or even hitting him for that matter; and again a seal may be mortally wounded but still able to struggle, and we continue firing until we get him. A hunter is never restricted in the quantity of ammunition he can use, but is allowed to practise as much as he pleases, and a large quantity of ammunition is used in this way.

17. A seal that has been hard to kill, and has struggled a good deal, so inflates his lungs that he cannot sink, and is always got by the hunter. As with all other mammals, the male seal has teats, and it takes a competent expert to tell the difference between a male or female skin after it has been removed from the carcase.

18. On or about the 1st April last I went on board the United States revenue-cutter "Corwin" in Neah Bay, at the request of Captain Hooper, and made a statement to Mr. Lavender, who, I understand, was appointed by the American Government to investigate the sealing question, and what I then said is substantially the same as the foregoing. Mr. Lavender had a white hunter named Brown engaged from San Francisco to practically illustrate the *modus operandi* of pelagic sealing with gun and rifle. I know this hunter Brown, and personally would not take him on a sealing voyage, as he is not a competent hunter, and I don't think he could get employment as a hunter on any of the sealing-vessels leaving this port.

19. I have not been paid anything, nor has anything been promised me, in consideration of making this statement, which I have read over and found correct.

(Signed) GEO. WESTER.

Subscribed and sworn to before me, this 25th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Captain Charles Lutjen.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Captain Charles Lutjens, of San Francisco, being duly sworn, deposes and says:

1. I reside in San Francisco, and am master and owner of the sealing-vessel "Kate and Anna." I have been engaged in the sealing business as master since 1886, but am not a practical hunter, though I have been out almost every year since 1886, and feel competent to speak on the sealing question.

2. I have hunted along the coast from here to the Aleutian Islands, the Behring Sea while it was open, and on the Russian and Japanese coasts.

3. This year I hunted on the Japan coast, and made a southern passage over through the Sandwich Islands. The catch of my schooner for the season was about 1,400, 1,250 being caught on the Japan coast, and the rest caught between from 40 to 100 miles south of the Commander Islands and these were seized and confiscated. I returned to San Francisco, south of the Aleutian Islands, about the beginning of September, and noticed seals as I came along more or less every day.

4. In 1886—from the 20th July to 20th August—I got 400 seals in Behring Sea.

In 1887 I got 580 seals up to the 8th August in Behring Sea, and on that day I was seized. In 1888 and 1889 I did not hunt, as my vessel was confiscated, and I had not got her back. In 1890 I was very late getting started from here. In the latter part of May I started directly for Behring Sea, and got 300 seals. In 1891 my coast catch was 180, and on going into Behring Sea on the 6th July was warned out, and went directly to the Russian side, where I got 450. I did not see many seals in crossing on that occasion, and I could not distinguish to what group of islands those I did see belonged, as they did not appear to be travelling to any particular group.

5. I cannot say that I notice any difference in the number of seals now than when I first began sealing, but my hunters all tell me they are much wilder.

122 6. Of my catch along the coast going north four-fifths would be females, and I think about four-fifths would be carrying pups. Very few old bulls are caught. The proportion of males to females in the Behring Sea appears to me to be about the same, but the cows are then in milk, and I have seen the cows caught in milk as far as 150 miles from the islands. About one-fifth of the cows taken are barren.

7. I have not heard of any vessels sealing in Behring Sea this year that were not warned away or seized, and I would likely have heard of it if there were any.

8. I think that skins taken on this coast are better than those taken on the Japanese or Russian coasts, and I think I could tell the difference between them.

9. I think that some protection should be given the seal, and would prevent all killing after the 1st July, and that any protection made should apply to the rookeries.

10. I gave a statement to a lawyer or Notary Public in this city in February last on this subject, but I cannot remember his name, but what I said was substantially the same as the foregoing statement. I was not sworn on that occasion, as far as I can remember.

11. In my opinion, 5 per cent. will cover the loss of seals by sinking after being shot, that is to say, with a good hunter; of course, a poor hunter will not do so well.

12. I never restrict my hunters in the amount of ammunition they use for practice, and there is a great deal used in that way and in hunting game.

13. I have not been paid anything, nor has anything been promised me, in consideration of making the foregoing statement, which I have read over and find correct.

(Signed) CHARLES LUTJENS.

Subscribed and sworn to before me, this 26th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Charles Hartiwen.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Charles Hartiwen, of Alameda, California, being duly sworn, deposes and says:

1. I reside in Alameda, State of California, and have been sixteen years a hunter and sealer, and have been and am now for the past two years captain of the steam-sealer "Louis Olsen." Have been master

of the "Sophia Sutherland;" also of the schooner "San José" when she was seized on the 18th August, 1887, in Behring Sea; also in the "Sierra;" also the "Sylvia Handy;" also the "Fanny," and many others, and have sealed off the Commander Islands, along the Japanese coast, and up this coast into Behring Sea, and in the Equatorial group.

2. I have hunted always with rifle and shot-gun, and I would not lose 5 seals in 100 that I would kill or mortally wound. This year I got 182 skins myself, and I only lost 2 seals. This year I saw more seals in the Pacific than I have ever seen before since I began hunting, and I attribute it to the fact that the Behring Sea was closed, and the killing on the Pribyloff Islands restricted. I believe the seals are just as numerous as ever, and if the Behring Sea is closed and the killing stopped on the islands, there is not the slightest danger of the seals being killed off, no matter how they are hunted.

3. I have noticed that seals are wilder now than when I began to hunt, though on the Japan coast, where I hunted this year, I found them tamer than usual. Seals travel in schools, and are all mixed up as to ages and sexes. When travelling in schools they are very much harder to get, as they have a watch on the look-out. On this coast I find about 60 per cent. are females, and I think the proportion is about the same in Behring Sea. About two-thirds of the cows got along the coast to Behring Sea are carrying pups, and in Behring Sea the cows we get are in milk, I think to about the same proportion. I have killed a great many large cows that have no milk and are not carrying pups. Have killed cows on entering Behring Sea about the first week in July, and have found milk dry and yellow. I have taken cows off Vancouver Island, British Columbia, from which the pup when taken was full-grown and strong enough to take nourishment and go all over the deck of the vessel.

4. I have not heard of any vessels having been in Behring Sea this year (1892) that were not warned off or seized, and would have heard of it if there had been any.

5. In my opinion, the Asiatic seal, the Japanese, and the American, are the same, and I don't think an expert, after they have been salted, can tell them apart. I have had a large experience in all three kinds of skins, and am therefore competent to speak.

6. I have crossed from the American to the Asiatic coast about the latter part of June, and from the Asiatic to the American in September, and have seen seals off and on almost every day, and certainly every fine day, on the passages, and from seeing them no one could tell to what group of islands they belong, or to which they were bound, or where they were going.

7. I have crossed to the Commander Islands, keeping south of the Aleutian group, and have noticed seals going north through all the passes as far westward as Attou Island, and have seen stragglers from there to the Russian coast. I sailed from here on the 10th February this year (1892) for the Japanese coast, passing the Sandwich Islands, and commenced getting seals in April, and my catch over there was 1,334, and I found the proportion of male to female run about the same as on this coast and in Behring Sea, and the same percentage of females are in pup. I sealed up to within about 100 miles from Commander Islands, and finished sealing on the 6th July and started for home. I got no cows with milk, but in the end of June or early in July got a good many barren cows.

8. In my experience of sealing all over I find that there are very few old bulls taken.

123 9. I have often seen seals cohabiting in the water, and by killing the cow first have had no trouble in getting the bull.

10. Not half the ammunition we take out is used in killing seals. We allow our hunters to practise as much as they like, and to use what they like in other hunting.

11. Seals that are killed after a struggle and after being shot several times do not sink as fast as those killed outright, and we hunters pay no attention to them if there are other seals about that can be got, as we can always come back after them and get them; this is because their lungs get filled with air. One of the reasons for all the talk about seals sinking and getting lost is because poor hunters, after firing a great many shots and not getting a seal, feel ashamed, and come back saying the seal or seals had sunk.

12. We shoot with shot-gun from 10 to 30 yards, and with a rifle from 30 yards to 100.

13. A pregnant seal or a seal carrying pup is more on the watch than any other, and harder to get.

14. I have not been paid anything, nor has anything been promised me, in consideration of making the foregoing statement, which I have read over and find correct.

(Signed) CHARLES HARTIWEN.

Subscribed and sworn to before me, this 25th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Milton Scott.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Milton Scott, of Petaluma, Sonoria County, State of California, being duly sworn, deposes and swears:

I reside in Petaluma, State of California, and am a seal-hunter. I was out in the "Henry Denis," Captain Miner, this year, and sealed all the way from Cape Blanco north to Behring Sea and across to the Copper Islands. The vessel got 2,408 seals, and I personally got 403—all with shot-gun and rifle, and I kept track of all I lost, and the total was 10. Last year I was in the "Viva," Captain Baker, and the schooner's catch was 1,992, of which I shot 398 myself, and lost only 3 seals. I also kept track that year, and am positive of what I say. The year before that (1891) I was on the "Lily L.," Captain Walsh, my first season. The schooner's catch was 2,030, of which I shot 390, and lost 13 seals. I kept count of those I lost in consequence of the agitation in the papers here and elsewhere against sealing with the gun and rifle.

I think that I saw last year more seals than I ever saw since I hunted first, and I do not think their number is diminishing, but they are growing wilder and harder to get on account of so many hunting them. I have hunted in Behring Sea for one year. Along the coast for the last two years I have killed more males than females—I would say four males to one female, and the year I was in Behring Sea (1891) I got about half and half as regards sexes. On the coast this year we got very few cows carrying pup. I know this because we were trying to get a number of unborn pups, and found it difficult to get what we wanted. Of the total take of cows along the coast—about 300—not more than 100 were pregnant, the others being too young to breed, or barren cows.

In Behring Sea the majority of cows got are in milk, but I have also got barren cows there.

Last year and this year I hunted on the Russian coast, crossing over there each year about the last of June or beginning of July, and got back about the end of September. On each occasion in returning we saw seals more or less every day, and noticed them south of the Aleutian Islands as we came to Sand Point, on the Alaska Peninsula.

Seals are nearly all shot with a gun, and are mostly all taken at from 10 to 30 yards.

Seals travel in schools, and are harder to get than in ones or twos. While in schools they are mixed as to age and sex. There is no such thing as a leader to a school, and I never heard a practical sealer say there was, and I always try to get the first one I can.

I do not know of any vessel having been sealing in the Behring Sea this year that was not warned away or seized, and I feel certain I would have heard of it if there had been any.

I have never noticed any difference in the quality between the Russian and the American skin, but I think the former is a little darker, and there is no difference between the coast skins and the Behring Sea skins.

A great part of our ammunition is used in practice or hunting game for food, and I have fired as many as 150 shells at a mark in one day.

I think some protection for the seals is necessary to preserve the seal from decreasing, but any close season should embrace the islands as well as the ocean.

I have not been promised anything, nor has anything been paid me, in consideration of having made the foregoing statement, which I have read over and found correct.

(Signed) MILTON SCOTT.

Subscribed and sworn to before me, this 28th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

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124 *Deposition of Captain J. S. Worth.*

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Captain J. S. Worth, of San Francisco, being duly sworn, deposes and swears:

1. I reside in Provincetown, in the State of Massachusetts, United States. I have been hunting seal for the last four years, and am a practical hunter. I was in the "Henry Denis" for two years, and in the schooner "Linfu" for two years, and was in her in 1891, when she was seized in Behring Sea on the 14th July.

2. I have sealed along this coast to Kadiak and into the Behring Sea. We commence sealing anywhere between February and April, and return about the end of September.

3. I always use either a shot-gun or a rifle, but a rifle is very seldom used.

4. I have never kept count of the number of my losses made in shooting, but from 10 to 15 per cent. would certainly cover what would sink after death, and what would get away mortally wounded.

5. The range at which I would take nearly all my seals is between 10 and 30 yards.

6. Seals travel in schools a good deal, and when doing so are harder to get than when straggling. I never heard of there being a leader in

the school, and in the schools we find the sexes and ages all mixed. When going north to the islands there seem to be more males among the seals the farther north we go.

7. I do not think there is any difference now in the number of seals I see than when I first began hunting, though they are wilder and harder to get at.

8. In 1890 our catch was 636 seals along the coast, and in the Behring Sea between 1,800 and 1,900.

9. In 1891 our catch was 400 altogether along the coast, and we got none in the Sea, as we were warned out.

10. This year (1892) along the coast we got 366.

11. Along the coast in 1890, 70 per cent. were females, and the next year about the same. This year, however, they were divided about half and half. In Behring Sea the majority taken were bulls.

12. Along the coast the cows for the most part are carrying young, while in the Sea they are in milk. Have got some barren cows that had neither pup nor milk.

13. The farthest I have got cows in milk from the islands was from 80 to 90 miles.

14. I have not heard of any vessels having got seals in Behring Sea this year other than those seized or warned, and I think I would have heard of it if there had been any.

15. I think some protection should be given the seals, but any close season made should apply to the Pribyloff Islands as well as to pelagic sealing.

16. I have not been paid anything, nor has anything been promised me, for consideration of making the foregoing statement, which I have read over and found correct.

(Signed) JOHN WORTH.

Subscribed and sworn to before me, this 28th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of William O'Lear Shafter.

STATE OF CALIFORNIA, *City and County of San Francisco.*

William O'Lear Shafter, of San Francisco, being duly sworn, deposes as follows:

1. That I am a seal and sea-otter hunter, and have hunted seal for eight years on this coast and in the Behring Sea, and have been in the "Laura," "Otter," "Alexander," "San José," "Sylvia Handy," "C. H. White," "Henry Dennis," and the "Emma and Louisa."

2. In 1883, in the "Laura," we were hunting sea-lion principally, but also got fur-seal and sea-otter. In 1886, in the "Otter," we hunted till March along the coast, and the schooner's catch was 653, of which I got 180. In 1887 I was in the "San José," and we were seized in Behring Sea. The total catch was about 1,400, of which I got 402, but cannot separate the coast from the sea catch. In 1888, on the "Alexander," we got only 104 seals on the coast (when we went otter-hunting), of which I got 43 seals. In 1889, in the "Sylvia Handy," the total catch was about 600, when we went otter-hunting, of which I got about 130. In 1890 I was in the "C. H. White," and did no seal-hunting to speak of. In 1891 I was in the "Henry Dennis" on the coast and Asiatic side; we got a total catch of about 1,083, of which I got 151.

Under 100 of the schooner's catch was got along the Russian coast. In 1892, in the "Emma and Louisa," along the coast we got a total catch of 1,012, of which I got 109.

3. I use gun and rifle, but principally the shot-gun, and most of the seals are got between 10 and 40 yards with the shot-gun.

4. The year I was in the "Dennis" (1891) I lost 3 seals by sinking after being shot, and I would place the outside figure of loss by the sinking of killed and mortally wounded seals with the gun at 8 out of 100, and one of the reasons for the impression that has got abroad of the great loss of seals from gun hunting is from the fact that poor hunters are very apt to account for their poor success by saying that their loss by sinking was much greater than was actually the case.

5. We find seals travelling in schools very often are more difficult to get than when travelling alone or in pairs. There is always a look-out one on guard. I never heard of a leader to a school, and I don't believe the man ever lived who could pick out a leader in a school. In a school I have killed seals of all ages and sexes; they are mixed.

6. Going up the coast I find that we get more females than males, and in Behring Sea I think it is about the same. I cannot say what proportion of the females I have taken up the coast carry pups. In Behring Sea, out of 40 females I got one day, about 10 were in milk; the rest I am unable to say whether they were barren or had lost their pups; certainly they were not carrying young or were in milk. We get very few old bulls in our catches.

7. The seals seem to be as thick now as ever they have been, but seem wilder and harder to get at; seals are more plentiful different years in different places. This year we had more than an average catch, but didn't happen to be in the right places, as some other vessels that were near us got extra large catches. I got cows in milk from 60 to 70 miles off Bogosloff Island, and between it and the Pribyloff Islands.

8. In crossing from the American to the Asiatic coast in July we saw seals more or less every day, and no one could tell to which islands these seals belong, as when aroused they mostly travelled to windward.

9. Skins on this coast look to me to be better than those on the Asiatic, as the hair looks to be longer.

10. I think the Government should control the islands, and any close season made should apply to the islands.

11. I have not been paid anything, nor has anything been promised me, in consideration of my having made the foregoing statement, which I have read over and find correct.

12. We are target shooting all the time we are out, and a large quantity of ammunition is used in this way. I used 130 shots in one day to call the attention of a schooner.

(Signed) W. O. SHAFTER.

Subscribed and sworn to before me, this 28th day of November, A. D. 1892.

[SEAL.] (Signed) LINCOLN SONNTAG.

Deposition of John Figuera.

STATE OF CALIFORNIA, *City and County of San Francisco.*

John Figuera, of San Francisco, being duly sworn, deposes and says:

1. I am a seal-hunter, and have been engaged as such and as steerer for the past four seasons.

2. I reside in San Francisco, and am an American citizen.

3. I first went out in the "Sylvia Handy" in 1886, and also in the same vessel in 1887, and in 1891 in the "Sophia Sutherland," and in 1892 in the British steam-vessel "Thistle" from this port.

4. For the past two seasons our catch was small, for we were late in starting, and were behind the run of seals. In the "Sutherland" we got only a trifle over 300, and in the "Thistle" 445, of which I got 40 and 55.

5. I always use a shot-gun or rifle, but nearly always the former, and out of the 40 killed in 1891 I kept account, and lost 3, and out of the 55 I lost 2 by sinking, and about 6 or 7 which I think I hit and got away altogether. In my judgment I would place the loss of seals from sinking after being killed or wounded so as to cause death at from 5 to 10 per cent. for an average hunter; of course, a very poor hunter might lose a good deal more, but if he did he would find it hard work to get a job another season. Many poor hunters account for their poor work by saying their seals have sunk, and this has a good deal to do with the talk against killing seals by shooting. We can always use as much ammunition as we please for practice, and a great deal is used in this way and for shooting birds and game for food.

6. I was in Behring Sea in 1887 and 1891, and was seized in the former year and warned out on the 5th July, 1891, when just inside.

7. On the coast my catch was pretty well divided as to males and females, and many of them are in pup; until we get well up the coast we cannot tell whether they are in pup or not.

8. Seals travel in schools, and sometimes are seen singly and in couples; when in schools they are harder to get near than when alone.

9. I find that seals are very much wilder than they used to be.

10. I have had a good many barren cows amongst those I have shot.

11. I never got any cows in Behring Sea; all I got were bulls.

12. I never knew or heard of any vessels having taken seals in Behring Sea this year that had not been warned or seized, and in talking with sealers I should likely have heard of it if there had been any.

13. Never heard of such a thing as a leader in a school of seals, and never heard any sealer say he had known of it.

14. I think that if any protection is given to seal life it should apply to the breeding islands equally with the ocean.

15. I have not been paid nor promised anything in consideration of making the foregoing statement, which I have read and found correct.

(Signed) JOHN FIGUERA.

Subscribed and sworn to before me, this 28th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

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126 *Deposition of Captain C. E. Mockler.*

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Captain C. E. Mockler, of San Francisco, being duly sworn, deposes and swears:

I reside in San Francisco, and am master of the "Mattie Dyer," and have been so for the past three years. I have been hunting seal in her for that time along the coast from the Columbia River to Behring Sea, and also on the Japanese coast.

On the 17th June, 1890, I was seized while at anchor in Ounalaska Bay, and my skins—77 in number, none of which were caught in Behring Sea—confiscated. My schooner's catch in 1891 along the coast was 365, and in 1892 (this year) it was 1,190.

Being master of the vessel, I do not hunt as a rule, but this year I personally killed 80 seals just around the vessel, and kept account of those shot which I did not get, and they only numbered three, and had I been a little more careful I would not perhaps have lost those. From my experience I would place the outside loss for a good hunter with gun and rifle at 5 per cent. The range for a gun is from 10 to 30 yards, and most of the seal are got between those ranges. With a rifle the range would be anywhere up to 100 yards at which we would shoot.

The reason so much ammunition is used on our vessels is that we place no restrictions on our hunters as to how much they may use in practice or shooting birds or game. We let them do this because we know that the more practice they get the more expert hunters they will become, and much more ammunition is used in the way referred to than in actually hunting seals.

A seal that has been killed after a struggle, when it has been necessary to shoot them several times, will not readily sink, and I have known them to float for an hour after death, for their lungs fill with air.

Seals travel in schools mixed as to age and sex, and in schools they are more difficult to approach, as some always appear to be on the look-out than when travelling as stragglers. Never heard of there being a leader in a school of seals. A pregnant seal is more wary than any other.

I think as a rule more cows are got than bulls; this is the case on the Japanese coast as well as this; the catches in this respect vary every year. Very few of the old bulls are taken; about two-thirds of the cows got on each coast are pregnant.

I find that seals are just as plentiful this year as in any year in my experience, and I do not think they are decreasing, but are becoming wilder from being hunted so much, and harder to get near.

I left for the Japanese coast this year on the 29th February, and reached Victoria on my return on the 20th July, and in crossing from Japan—taking the "great circle" course by which I would have passed to the southward of the Aleutian Islands about 200 miles—I saw seals every day, some days one or two, but some each day right along.

In returning from the Alaskan coast two years ago in August, I noticed more or less seals daily in the North Pacific as far as 500 miles from land.

I never picked up any floating seals or "stinkers."

Nothing has been paid or promised me for making this statement, but I do it voluntarily, and have read it over, and it is correct and true.

(Signed) C. E. MOCKLER.

Subscribed and sworn before me, this 29th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Lee J. Thiers.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Lee J. Thiers, of San Francisco, being duly sworn, deposes and swears:

Am a resident of San Francisco, and am a seal-hunter.

I am an American citizen, and last year sealed in the "La Niufa." I was in her when she was seized on the 14th July by the United States cutter "Corwin."

I sealed in the "La Niufa" up the coast, and our catch was about 300, and my personal catch was 57 or 58.

This year I was sealing in the "Mattie J. Dyer," Captain Mockler, on the Japan coast. We left here about the end of February, and our catch was 1,190. I got 236 myself out of that number.

This year, over and above the 236 seals I got, I lost exactly 7, which sank after being killed, and before I could get to them in the boat. Two of these were sunk by the boat running on them, and all of them were long shots. I was particular to keep count this year of those I lost, and this statement is correct. Last year I did not keep count, but I know I did not lose many.

I doubt if the loss by sinking of seals in the case of an average hunter would be more than 5 per cent.; that is a hunter who would get employment on a first-class sealing-vessel.

We can use all the ammunition we want for practice on the voyage, and a great deal is used in that way.

Nearly all seals are killed with the gun, and at a distance of from 10 to 30 yards, and what are killed by a rifle form a small proportion of those I kill.

We see seals in schools, and they are mixed in sexes and ages.
127 They are very much harder to kill when in schools than when in ones or twos. I don't think any one could find a leader to a school, and never heard a seal-hunter say he had seen one.

From my own observation, and from what other sealers tell me, there were more seals seen this year than ever before, but we all agree in saying that they are wilder and harder to get. I think cows as a rule are more wary than bulls, for bulls when awakened will often show fight, and also come towards the boat from sheer curiosity, whereas the cows make off as fast as they can.

In the first of the season along the coast I have got more cows than bulls, but later on, as we get farther north, by the southern Alaska coast, we get more bulls than cows, for up there the cows seem to strike out for the islands without any loitering. This is also the case on the Japan coast.

The farthest I have got seals in milk from the rookeries was between 70 or 80 miles. I know this from looking at the Chart now shown me, from which I can see the position at which I was at the time.

I have frequently got a number of cows that have had neither pups nor milk, and got more of that kind on this coast than the Japan coast. There has been so much talk about the seal life that I took particular notice of those facts last year.

I have not heard of any schooners having taken any seals in Behring Sea this year that were not warned or seized, and I would likely have heard of it if there had been any.

In coming back from the Japan coast this year we left Skotan about the 24th June, and followed the "great circle" track for Victoria, where we arrived about the middle of July, and in the passage across I saw seals every day. We ran within 200 or 250 miles of the Aleutian group.

I never noticed any difference in the quality of the skins taken along this coast from those in Behring Sea, and I would not know the difference between those taken on the American coast and those of the Japan side.

This year we got on our way across—just as we were leaving we got skins off the Farallones Islands, and on taking them to Victoria with

the rest of our catch no one could pick out one from the other, though we, of course, knew them, having kept them apart and put them up by themselves.

I consider that the seals need protection, but it should apply to the breeding-islands more than to the coast, for I consider there is more harm done to seal life by their manner of killing there and by their practice of killing all bulls.

We get very few old bulls.

I have never picked up a dead seal or "stinker," but have seen two picked up that had not been long in the water, as they were quite fresh.

I have not been paid nor promised anything in consideration of having made the foregoing statement, which I have read over and found correct.

(Signed) LEE J. THIERS.

Subscribed and sworn to before me, this 29th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Warren F. Upson.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Warren F. Upson, of San Francisco, being duly sworn, deposes and says:

I will be 57 years of age on the 4th January next, reside in San Francisco, and have lived here for over twenty years, and am an American subject.

I have been a hunter of fur-skins for the past twenty years, and commenced killing seals about thirteen years ago as a business; previous to that time I was sea-otter hunting altogether, though would occasionally kill a few seals. Was otter-hunting principally amongst the Kurile group up to the time I commenced seal-hunting, and was as familiar with all the islands of the group as I am with the streets of this city, from Cape Nogshaf to Kamtchatka, and know that there were no rookeries at that time on those islands. I know Rakoke, Moo-shire, and Shrenoi Rocks between Ushisir and Shiaskotan, and, to my knowledge, there were no rookeries on them during my otter-hunting days, but I learned since that Captain Miner has taken a large number of seals on some of those rocks, and I account for the fact that they were driven from Robben Island in the Okhotsk Sea, for Robben Island has been raided till there are, comparatively, very few seals landing there. I was on the first schooner that raided Robben Island, the "Matinée," fitted out by H. Liebes, T. P. H. Whitelaw, and Isaac Leonard, of this city. This was about twelve years ago. This was the first and only raid ever I made on rookeries.

As near as I can remember, I hunted in the following vessels: pilot-boat "Fanny," schooners "Matinée," "Alexander," "Undaunted," "City of San Diego," "Vanderbilt," "Kate and Ann," and "Active." In some of these I have been hunting several seasons. I have sealed on the American coast, Behring Sea, on the Russian coast, off the Commander Islands, also on the Japan coast.

In crossing over this year to the south of the Aleutian group, going to the Commander Islands, during the month of July I noticed seals more or less in the passage. On our return in August it was so rough we could not see anything, but I have come along there as late as September and noticed plenty of seals to the southward of 172nd Pass. I

remember one year, when I was in the "San Diego," that we got 93 seals in one day (10th September) with three boats. This was off Bogosloff Rock, in the Behring Sea.

I cannot remember the numbers of seals taken by the different
128 vessels I have been in in their different years, not my own individual catches, though I have it all written down somewhere, I cannot now lay my hand on it.

Have always used a gun or rifle, but hunted seals mostly with a shot-gun, and most we got under 15 yards. A careful hunter will lose very few seals, and 10 per cent. will fully cover his loss.

A seal that has been killed after several shots, and struggled a good deal, will float much longer than one that has been suddenly killed.

A good many seals are destroyed by "killer whales," and I have had a seal taken away by them after I had killed it.

Seals travel a great deal in schools, and are very much more watchful then than when alone or in twos. Never heard of a leader to a school, but I have seen "watchers" on the look-out.

In my experience there is no difference in the fur of any of the seals, American or Russian, but I have killed seals off Guadaloupe Island and found the fur lighter in colour and quality, and not as valuable as the others.

I have crossed from San Francisco to Yokohama many, many times, and have taken many different courses. In courses made from 35° to 45° north have seen seals off and on every day all the way across in January, February, and March, but south of that have scarcely seen any.

I know all the vessels sealing out of this port, and I never heard of the "Maggie Ross," and I know most of the seal-hunters from here, and certainly all the well-known and good hunters. I never heard of a seal-hunter called Charles Challal, nor William H. Long, nor Henry Mason, nor John Dalton, nor Richard Dolan, nor William Fraser, nor Thomas Gibson, nor William McIsaac, nor Patrick Maroney, nor Miles Nelson, nor Adolphus Stairs, nor John Woodruff, nor Joseph Denis, nor Frank M. Gaffney, nor Martin Hannon, nor Andrew Hoffman, nor James Kennedy, nor James Malloy, nor Frank Moreau, nor James Sloan, nor E. W. Soron, nor G. Sundrall, nor William Hensen, nor Adolph W. Thompson, and none of the foregoing can be prominent hunters, or hunters of any ability, or have any record.

I have not been paid anything or promised anything in consideration of having made the foregoing statement, which I have read over and found correct.

(Signed) W. F. UPSON.

Subscribed and sworn to before me, this 30th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Captain Adolphe F. Carlson.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Captain Adolphe F. Carlson, of San Francisco, being duly sworn, deposes as follows:

1. I reside in San Francisco, and have hunted for sea fur-skins for the past eighteen years; since 1883 have hunted on this coast, but previously on the Japan coast for sea-otter.

2. In 1879 I became master of the schooner "Alexander," and continued in her till the fall of 1885, when I got the "Helen Blum," which I have commanded ever since.

3. My principal hunting has been for sea-otter, but have incidentally hunted seals.

4. I have crossed in the mail-steamer "Gallic" from Yokohama to San Francisco, making a course 45° north, and have seen seals more or less every day—this was in the month of January—and have returned the beginning of February, at a course about 36° north, and have again seen seals almost daily during the voyage.

5. Sometimes in going north along this coast seals are seen straggling in ones and two, and at others in schools, and these schools are generally mixed as to age and sex, and in schools they are harder to get than otherwise, for there is always a watch, and I have never known such a theory among sealers as there being a leader to a school, and the habit of a sealer is to get the first one he can.

6. Along the coast we get more females than anything else, and the females are mostly carrying young.

7. I hunted otter along the Kurile Islands from 1872 till 1883, and know that up to 1879 there were no rookeries on Rakoke Island or Moo-shir Rocks, and seals up to that time never hauled-up on either of these islands to breed, but I learn that they were found there in 1880 or 1881.

8. I think seals are decreasing, for I hear so from those on the Island of Shumagin and other islands in that vicinity, and I don't think I see so many myself.

9. Seals are getting more wary from being hunted so much more than formerly.

10. I did not hear of any vessels having got seals in Behring Sea this year other than those that were warned or seized, and I should have known it, I am sure, had there been any.

11. Nothing has been paid or promised me for making this deposition, and I have read it over, and it is correct.

(Signed) A. F. CARLSON.

Subscribed and sworn to before me, this 29th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

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129 *Deposition of Frederick Crocker.*

STATE OF CALIFORNIA, *City and County of San Francisco.*

Frederick Crocker, of San Francisco, being duly sworn, deposes and says:

I am a resident of the city of San Francisco, and an American subject. I have been a seal-hunter since 1881, and have hunted on the American, Japan, and Russian coasts, and Behring Sea. I have sealed in the schooners "Mary Ellen," "Victoria," "Penelope," "San José," "O. S. Fowler," "C. H. White," "C. G. White," the "Bowhead," and have also hunted out of several vessels from Yokohama.

I first hunted among the Kurile Islands in 1881, and found rookeries on the Stred-noi and Mushire Rocks and Raikoke Islands, and we made good takes—cannot say now exactly how many—that year I was in the "Diana," sailing from Yokohama. I know of no other places on those islands where seals haul-out.

For the last two seasons I have been hunting on the Japan coast. In 1891 we got 1,687 seals, and in 1892 (this year) 1,868. These years I was in the "C. H. White" and "Bowhead." Last year my personal catch was 453, and this year 268, when a "killer" struck the boat, smashed it, drowned one of my men, lost our guns, and I luckily got safe myself.

I always use shot-gun and rifle, and some days when I go out never lose a seal, and perhaps, if very rough and unlucky, might lose one out of five, or on an average all round of from 5 to 10 per cent., but 10 per cent. would be the outside figure for last year, and this I have lost very few. A seal shot and worried by several shots, and finally killed, will not sink for some time, as its lungs become inflated by its exertions.

Seals are for the most part shot with shot-gun at from 10 to 30 yards.

Seals for the most part travel in schools, and the sexes are mixed, and they are so as regards age. Seals are hard to get in schools, as they are very watchful, at least one or two are always on the watch.

In my experience I never heard of any leader to a school, and I don't think any one could pick out a leader, and I always kill the first I come to.

A pregnant seal is harder to kill than another, and when killed is more bouyant.

I think along this coast I get more females than males. In Behring Sea they run half and half, and on the Japanese coast it is the same as on our coast, and on the Russian coast they average about the same as Behring Sea.

On the Japanese and this coast the females we get are mostly with pup, and on the Asiatic coast and in Behring Sea the seals we get are in milk. We get plenty of barren cows, but more on the Japanese coast than elsewhere.

On the Russian side we do not get cows in milk farther than from 50 to 60 miles from the Commander Islands. On this side I have got them as far as 200 miles from the Pribyloff Islands.

I don't think there is any difference in the quality of the skins caught in any of those waters I have spoken of, but there is a slight difference in the colour of the skins, those on the being darker than those on the other.

The only vessel I heard of getting seals in the Behring Sea this year was the "Allie I. Alger," but was told that she left when she heard it was prohibited, after having got only a few seals.

Male seals, like other mammals, have teats.

I do not know of any other rookeries than those I have spoken of.

In 1883 I was seized when raiding Robben Island. I was on the schooner "Helena," Captain Golder, master, and our outfit was confiscated. We raided that island five years. I have also taken part in raiding other islands, but I do not care to give any statement about them without the permission of the owners of the vessels.

I think that seals should be given some protection, but I think they should be protected on the rookeries as well as on the Sea.

In crossing from the American to the Russian side I have noticed seals more or less every day during the passage; this would be about the month of August, and in coming from the Russian to the American side south of the Aleutian Islands about the month of September have observed the same thing.

I have not been paid nor promised anything in consideration of making the foregoing statement, which I have read over and found correct.

(Signed) F. J. CROCKER.

Subscribed and sworn before me, this 1st day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of William Conners.

STATE OF CALIFORNIA, *City and County of San Francisco.*

William Conners, of San Francisco, being duly sworn, deposes and swears:

Am a resident of San Francisco, an American subject, and a seal-hunter. I began sealing in 1886, and with the exception of one year (1889) have hunted every year since.

In 1886 I hunted in the "Theresa," 1887 in the "Challenge," 1888 the "Mountain Chief," 1890 "C. G. White," and last year in the "Lily L."

This year I hunted in the "Louis Olsen."

130 In the "Theresa"—I joined her at Victoria, in the month of April—and between that and the Shumagin Islands we got 107 seals. We then went into the Behring Sea, and got over 2,000 seals.

In 1887, on the "Challenge," we got 108 seals, and were then seized—the first vessel seized that year. The reason given for seizing us was that we were taking female seals, for we had not got into Behring Sea.

In 1888 I was on the "Mountain Chief," and we were so late leaving Victoria—16th June—that we didn't get any seals on the coast. We got 894 seals in the Behring Sea.

On the "C. G. White," we started directly for the Japan coast on the 15th February, and picked up 25 on the American coast. We got 476 on the Japan coast, and then came to Copper Island, and got 59 seals. We stayed there four or five days, when the six boats got lost, and the schooner was brought back here by the captain and cabin boy. My boat and another landed on the island, and we gave ourselves up. We were kept there two weeks, and the Alaska Commercial Company sent us here by the steamer "Karlike," reaching here on the 9th September. Three of the boats attempted to land, and were fired on by the Russians; one man was killed, and two others wounded. Seven bullets went through the boats.

Last year, in the "Lily L.," on the coast, we got 567 seals and came home. We went out on the 28th January, and stayed about seven months.

This year, in the "Louis Olsen," on our way to the Japan coast we got about 20 on the American coast, and we got 1,342 on the Japan coast.

My individual take as a hunter the first year I was out, in the "Theresa," I got 436 seals. The next year, in the "Challenge," I got only 22, as we were seized. The next year, in the "Mountain Chief," I got 368. The following year I didn't hunt; and in 1890, in the "C. G. White," I got 108. We were the first schooner from San Francisco that went to the Japan coast, and we got lost, which accounts for our small catch. In 1891, on the "Lily L.," I got 93 on the coast; we didn't go into Behring Sea. This year I got 259 seals on the Japanese coast.

We always use rifle and shot-gun.

I never, until this year, kept any account of those seals I lost from sinking after having been killed or mortally wounded, and I did it this year, because there was so much talk about the loss from shooting, and out of 266 killed I lost 7. I was very careful, and have them all marked down.

I think for the utmost loss for a good hunter from sinking is 5 per cent.; that is putting it at the outside.

We are never stinted in the use of ammunition, and we can use all we want for practice or game shooting. Seals are mostly shot from 20 to 30 yards distant with a shot-gun.

Seals travel more now than they used to do in schools, and they are mixed up—males and females, young and old—and when in schools are wide awake, and seem to be getting educated to be on the watch.

I have seen more seals this year than in any year before since I have hunted, but they are wilder and harder to get at—certainly their number is not growing less.

In my experience along the coast I find that more than half of them are females, but I cannot say very much about it, as we are paid by the skin, and I didn't take much note. I have taken skins on the Russian-American and Japanese coasts, and down off the Island of Guadaloupe, and I cannot say that I have ever noticed any difference in the quality of the skin, though I think the colour of the latter are darker.

I have seen seals cohabiting in the water, and by killing the female first been able to get both.

As a rule we don't get many old bulls, but I remember that in one day, while on the "Mountain Chief," I got 18 old bulls.

We meet with and get plenty of barren cows.

In all the years I have been sealing I have only picked up but three floating seals or "stinkers."

I never heard of a leader to a school of seals.

In 1883, crossing from the Japan Islands to Victoria in October and November, I noticed seals every day during the voyage.

I know all the sealing-vessels, as I hunted from Victoria, Seattle, and San Francisco, and am also acquainted with most of the hunters, either personally or by reputation. I have never heard of a hunter named James Sloan, nor of William Long, nor of Henry Mason, nor of Peter Collins, nor John Dalton, nor Richard Dolan, nor William McIsaac, nor James Kennedy, nor Patrick Maroney, nor Miles Nelson, nor Thomas Brown, nor Charles Challal, nor Joseph Denis, nor Andrew Hoffman, nor James Kean, nor William H. Long, nor Henry Mason, nor William Hensen, and they cannot be men of any experience in sealing. I know a great many of the boat-pullers in this part, and I do not recollect ever having heard of any of the above-named being employed in any connection with sealing.

I think that should any protection be given seals that the Behring Sea should be closed, and killing on the Pribyloff Islands prohibited as well.

I have not been paid or promised anything in consideration of making the foregoing statement, which I have read over and found correct.

(Signed) W. CONNERS.

Subscribed and sworn to before me this 30th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

131 *Deposition of P. E. Peterson.*

STATE OF CALIFORNIA, *City and County of San Francisco.*

P. E. Peterson, being duly sworn, deposes and says:

1. P. E. Peterson is my name, and I am a resident of San Francisco. I am an American subject, and for the past two years have been hunting seals in the schooner "Lily L.," belonging to C. D. Ladd, of this city, and both years sealed from San Francisco to Kadiak along the coast.

2. Last year, 1891, I cannot say how many the schooner got, but I only got 35, as I joined at Port Townshend after the most of their catch had been made.

3. This year the schooner's catch was about 613, of which I got 79 after missing several of the best days through sickness.

4. I always hunt with shot-gun and rifle, and this year I kept count of those I lost from sinking after being shot, and the number was 3 altogether. I would place the loss that a good hunter would make at not more than 5 in 100.

5. The range for a shot-gun at which I would get seals would be at 8 to 30 yards, and nearly all my seals are taken with shot-gun. A seal that has struggled, and been killed after several shots, will float for a long time.

6. I have never found a dead seal floating—commonly called "stinkers."

7. Seals travel in schools, and are mixed as to age and sex, and when in schools are harder to get at than when in ones or twos. I never heard of a leader to a school of seals.

8. We can use what ammunition we like while on the vessel for shooting birds and practising, and there is a great deal used in that way.

9. Along the coast my experience is that we get about half males and half females, and after passing Sitka we get more old bulls than on this side of it, but we get very few old "wigs."

10. I have not heard of any vessel having taken seals in Behring Sea this year that was not warned out or seized.

11. I have killed lots of barren cows.

12. Seals were more plentiful, I think, this year than in 1891. They are not decreasing, but they are harder to get, as they are growing wilder.

13. I have not been paid or promised anything in consideration of having made the foregoing statement, which I have read over and found correct.

Subscribed and sworn to before me, this 2nd day of December, 1892.

(Signed) P. E. PETERSON.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Harry John Lund.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Harry John Lund, being duly sworn, deposes and says:

Am a resident of San Francisco, and an American subject. Have hunted seals for two years; first in 1891 in the "City of San Diego," and this year in the "Ivanhoe."

In 1891, in the "City of San Diego," we hunted up this coast, leaving San Francisco on the 11th February. We got about 700 on the

coast, of which I got personally 145. We then went into the Behring Sea, and only got about 20, as we were warned (ordered) out.

This year, 1892, on the "Ivanhoe," we left here directly for the Japan coast on the 6th February, passing through the Sandwich Islands, and never hunted until we reached the Japanese coast, where we got 1,294, and I got myself 253 seals.

Out of the 152 I shot at in 1891 on the coast I don't believe I lost from sinking or mortally wounding more than 7 seals, and consider my percentage of loss at not more than 6 or 7 per cent. I consider the average hunter ought not to lose more than from 5 to 7 per cent. of those he gets.

I think that if I happen to shoot a seal just as he has filled his lungs that he will float a long time. I know that I have killed a seal and picked him up six or seven hours later, and on one occasion I killed a seal from among five others, and waited around seeing the others trying to bring him under by catching his flipper. This they could not do, as he would float, and I killed all the five before I picked this one up.

Seals swim in schools. I have seen in the Japan Sea as many as 300 in a bunch, but they would be very hard to get at when in that way. I never heard of a leader to a school; when going in this way the sexes are all mixed up, and so are the young and old.

I shot almost all my seals with a shot-gun at about 15 to 18 yards distant. I have never shot more than a dozen with a rifle.

There is no limit to the quantity of ammunition we may use, and there is more used on birds and at a mark than on seals.

I got about 65 per cent. of cows on the coast, and the proportion is about the same on the Japan coast. We very seldom get an old bull.

On the way home this year during the month of July, on the "great circle" track, we saw seals every day; some days as many as 20.

I have never seen seals cohabiting in the water.

The only vessel I heard of being in the Behring Sea that was not warned out or seized was the "Allie I. Alger."

132 Before I went sealing I was a sailor out of this port, and very well acquainted with all the vessels engaged in hunting, and there is no vessel engaged in the sealing named "Maggie Ross." I also am acquainted with the hunters and men that go on sealing-vessels and other ships, and I do not know Charles Challal, nor James Sloan, nor William Long, nor James Fyfe, nor Henry Mason, nor John Dalton, Richard Dolan, James Kennedy, Patrick Maroney, Miles Nelson, nor Adolphus Sayers. If any of those men had any record I would be bound to hear of them.

I have not been promised nor paid anything in consideration of having made the above statements, which I have read over and found correct.

(Signed) HARRY JOHN LUND.

Subscribed and sworn to before me, this 1st day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Charles Haritwen.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Charles Haritwen, of San Francisco, being duly sworn, deposes and says:

1. I live in the city of San Francisco, in the State of California, and am an American subject.

2. I have been hunting for fur-skins for the past sixteen years, and have been more or less for all that time engaged in killing seals.

I am captain of the "Louis Olsen," a sealing-vessel belonging to William Olsen, and which hails from Astoria, in the State of Oregon, and have commanded her for the past two years.

3. I returned this year from my sealing voyage on the coast of Japan on the 16th August, and entered at this port (San Francisco) on the following morning, and had on board 1,334 fur-seal skins, all taken on the Japan coast except 23 which were got within 50 miles from San Francisco.

4. The skins were removed from my vessel ("Louis Olsen") on the 18th August last, and were taken without any inspection to the ware-rooms of the firm of H. Liebes and Co., of this city, and no outsiders were present for that purpose when the skins were unloaded from the vessel and removed on trucks to the ware-rooms of the said firm of H. Liebes and Co.; and the time occupied in unloading from the vessel and delivering the skins into the cellar of the said firm of H. Liebes and Co. did not occupy the space of three hours; only sufficient time was taken to count them at the vessel and on delivery into the cellar, when I tallied them each time.

5. In the forenoon of the following day, the 19th August, I met the owner of the vessel, when he told me he had sold the skins to the firm of Liebes and Co., where I had the night before delivered the skins, and that they had found seventy-nine greys (meaning yearling pups). I objected, and went up to the ware-rooms of H. Liebes to see them picked out (this was on the same day, the 19th August). When I got there I found H. Liebes, the head of the firm, Charles J. Behlow, a partner in the firm of Liebes and Co., or a man I supposed to be him, and two or three other employés of the firm of Liebes and Co., and William Olsen, the owner of the vessel, also accompanied me and was present.

6. The skins had evidently been gone over since the previous night, for the pup-skins had been separated from the rest, and they were counted over in my presence, and they numbered 79, and I was astonished to find so many, for I considered I had from 34 to 36, but I had to acknowledge it, and let it go at 79.

7. I consider it impossible for any expert in skins to infallibly pick out male from female skins after they have been salted and before being dressed, and it is absolutely impossible to select from a large number of salted skins those of cows that had been carrying pup and had their pups taken from them after death, and to attempt to arrive with any degree of accuracy at a conclusion of that kind would occupy several days with the number of skins I had—over 1,300.

8. I have been sailing from this port for the past sixteen years, and for most of that time have been engaged in hunting seals, and am familiar with the names of all the vessels that go sealing, and know by reputation or personally all those connected with the sealing business from this port, either as hunter, steerer, or boat-puller, and I do not know of any one in either of the foregoing capacities named Thomas Bradley, nor Charles Challal, nor Peter Collins, nor John Dalton, nor Joseph Dennis, nor Richard Dolan, nor Peter Duffy, nor George Fairchild, nor William Frazer, nor John Fyfe, nor Thomas Gibson, nor James Griffin, nor Martin Hannon, nor Andrew J. Hoffman, nor James Kean, nor James Kennedy, nor James Kiernan, nor Caleb Linduht, nor William H. Long, nor Thomas Lyons, nor William McIsaac, nor William McLaughlin, nor Thomas Madden, nor James Mulvy, nor Patrick

Maroney, nor Henry Mason, nor William Mason, nor E. W. Soron, nor Cyrus Stephens.

9. And I have not been paid anything, nor has anything been promised me, in consideration of making the foregong statement, which I have read over and have found correct.

(Signed) CHARLES HARITWEN.

Subscribed and sworn to before me, this 1st day of December, A. D. 1892.

[SEAL.] (Signed) JOHN COFFEE,
A Notary Public in and for the City and County of San Francisco, State of California.

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133 *Deposition of James Ford.*

STATE OF CALIFORNIA, *City and County of San Francisco.*

James Ford, of the city of San Francisco, being duly sworn, deposes and says:

1. I live in the city of San Francisco, am an American subject, and am a seal-hunter.

2. I hunted in the vessel "Emma and Louisa" in 1891, and in the "Lillie L." in 1892.

3. The catch of the "Emma and Louisa" in 1891 along the coast of Kadiak was 1,073, of which I got 133, and lost by sinking 3 seals. The catch of the vessel "Lillie L." this year (1892) was 615, of which I got 124, and lost by sinking 5 seals. This was also along this coast.

4. I always use shot-gun and rifle, but mostly the shot-gun, and I would place the loss from the sinking of seals that had been killed or mortally wounded, for a good average hunter, at 5 in the 100, and not more. Most seals are killed from 10 to 30 yards.

5. I have got more males than females on this coast. I was on board of the revenue-cutter "Corwin" in April last in Neah Bay, and Lieutenant McGregor told me that some of the vessels had reported that they had sunk 70 per cent of seals that had been shot, but I knew that this was wrong, and in consequence of this I kept account of all I got and all I lost, and, therefore, am certain of what I say, and also took notice of the males and females, and one day I got eleven seals, of which nine were males.

6. Fully half the cows I have got on this coast have neither had pups in them nor were they in milk.

7. Have got very few old bulls.

8. I saw more seals this year than I did last, but they appeared to be wilder.

9. Seals mostly travel north in schools, and these are mixed as to age and sex, but the farther we go north along the coast the more bulls there are.

10. In schools they are more wary than when singly or in pairs, and I never heard of there being a leader to a school.

11. I have not been paid anything, nor has anything been promised me, for making this statement, which I have read over and have found correct.

(Signed) JAMES FORD.

Subscribed and sworn to before me, this 2nd day of December, 1892.

[SEAL.] (Signed) CHAS. A. C. DUISENBERG,
Notary Public.

Deposition of James W. Crew.

STATE OF CALIFORNIA, *City and County of San Francisco.*

James W. Crew, of Port Orford, in the State of Oregon, being duly sworn, deposes and says:

1. I am now residing in San Francisco, in the State of California, and am a seal-hunter by occupation, and have been continuously engaged in seal and otter hunting since 1886.

2. Have hunted along the coast from Monterey to the Pribyloff Islands, and also on the Japanese coast and off the Commander Islands.

3. In 1886 I was in the "Sylvia Handy," and our catch was between 1,800 and 2,000, of which between 300 and 400 were got on the coast; my individual catch I cannot now tell, but it was over 300. In 1887 in the same vessel the total catch was between 1,600 and 1,700 skins, of which about 300 were got along the coast, the balance being taken in Behring Sea, where we were seized. My personal catch that year was 600 skins. In 1888 I was otter-hunting in the "City of San Diego," but incidentally got a few seals along the coast—about 300 or 400. In 1889 I was again in the "City of San Diego," and was otter-hunting but we got about something over 100 seals. In 1890 I was master of the "City of San Diego," and was again otter-hunting altogether. In 1891 I was in the "Emma and Louisa," but was taken sick in the early part of the season and obliged to return home. This year I was in the "Kate and Anna," of this port, and sealed all the way from 39° north latitude on the Japanese coast up to the vicinity of the Commander Islands. The vessel's take was 1,460, of which I got 604.

4. I always hunt with shot-gun and rifle, but principally with the former, and the range at which they are mostly got is from 10 to 30 yards. I never paid any attention to the number I lost from sinking, but it must have been very small, not over thirty for the season, and I would place 5 per cent. as the probable loss of seals that are shot and sink.

5. I think I get more females than males, and would place it from 60 to 70 per cent. on this coast, and it is about the same on the Japan side.

6. Seals generally travel in schools, and at such times are harder to get. Schools are mixed as to sex and age, and in schools or otherwise every seal is his own leader.

7. Most of the cows are carrying pup when going up the coast, but I have also got a great many barren cows.

8. I think the greatest part of the cows got in Behring Sea are in milk, and I have got them a long distance from the rookeries.

9. In crossing from the Russian side to San Francisco, and following a course bringing us south of the Aleutian Islands, about the month of September I have seen straggling seals all the way across until we reached 150° west longitude.

134 10. I saw as many seals this year as I have ever seen, and I cannot notice that they are decreasing.

11. Nothing has been paid me, nor have I been promised anything, for making this statement, which I have read over and find correct.

12. In order to secure the protection of the seals, in my opinion, sealing should be altogether stopped in Behring Sea, and no killing allowed at the rookeries, and there would then be no danger of exterminating the seals.

(Signed) J. W. CREW.

Subscribed and sworn to before me, this 3rd day of December, A. D. 1892.

[SEAL.] (Signed) JOHN COFFEE,
A Notary Public in and for the City and County of San Francisco, State of California.

Deposition of Norman Hodgson.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Norman Hodgson, of Port Townsend, in the State of Washington, being duly sworn, deposes and says:

1. I am a resident of Port Townsend, in the State of Washington, but am now living on Powell Street, in this city, and am 24 years of age, and have been engaged in seal-hunting for five seasons as a hunter.

2. I was in Port Townsend on or about the 1st day of June last, when I was engaged by Captain Tanner, of the Fish Commission steamer "Albatross," to go on board of her as hunter, to illustrate the methods of killing seals such as are practised on the sealing-vessels, to test the number lost by sinking, to discover the haunts of the seals in the Behring Sea, and generally afford information to those on board the steamer.

3. We left Port Townsend about the 1st June, and on the steamer, besides the Captain, were the following gentlemen: Professor Everman, of Washington, and Professors Townsend and Alexander, who, I understood, belonged to the steamer "Albatross." We sailed direct for the Behring Sea, and arrived at Unalaska about the 10th June. We remained there for about a week or ten days, when I was transferred to the "Corwin" with Professor Townsend, whilst the other hunter who was with us, Captain Lennon by name, went with Professor Alexander on the "Rush." The "Corwin" and "Rush" are two revenue-cutters belonging to the United States. We then went to the islands—that is, the Pribyloff Islands. The first seals killed were about 10 miles south-west of St. George Island, on the 10th August, and I got four. They were all females in milk. On the following day, namely, the 11th, I got two seals about 100 miles west by south of St. Paul Island; both were females, and I think both were in milk. On the 12th August I got two seals rather closer to the island, and in about the same direction—one was a cow in milk, and the other a bull about 2 years old. On the 13th August I got eight about 10 miles about south-south-west of the north-west rookery, of which six were cows, and about three of these cows had milk; one of the bulls was an old "wig," and the other a 2-year-old. On the 21st August I got two, both barren cows. I used a shot-gun altogether, and killed the seals all the way from 10 to 30 yards. Professor Townsend was not present during any of my seal-hunting trips. I had the ordinary sealing-boat, with a boat-puller and steerer. I lost one seal by sinking during the time I was sealing—this one I shot at a long distance, from 45 to 50 yards, and it had sunk before we could get up with the boat. Some seals I could not get to sink, although I tried for several minutes to get them to do so, whilst the big bull which I killed on the 13th would have sunk very quickly, and it had started to sink when I gaffed it.

4. At Unalaska I was placed on board the seized vessel "Henrietta" with Lieutenant Johnson, of the "Corwin," to proceed with her to Sitka. She had at the time of seizure about 400 skins, and on our

arrival at Sitka I was asked to inspect these to determine the sex of the seals from which they had been taken. Captain C. H. Hooper, of the "Corwin," asked me to do this. I told him it was impossible to ascertain this with any degree of accuracy, but he said to go on anyway and do my best, and I did so. I gave him a statement of what I thought they were; he wished me to swear to it, but I told him I could not do so, but the statement I had given him was to the best of my knowledge. After the skins are salted I consider it impossible to define the sex of the smaller skins up to 3 years. With the old cows and old bulls, of course, an expert can tell, but I consider it quite impossible for *any one* to say, after skins have been salted, that any particular skin was that of one that had been carrying young and from which the pup had been cut.

I have hunted in the "Favourite" for two seasons, she belonged to C. S. Spring, of Victoria; in the "Henry Denis" one season; and in the "Sophie Sutherland" in 1891. I have hunted along the coast from here to the Pribyloff Islands. In 1891 our vessel got about 360, of which I got 68.

I always use shot-gun and rifle, but nearly always the shot-gun, and lose very few seals by sinking; from 5 to 10 per cent. will cover my total loss in that respect. A large quantity of ammunition is used by hunters in practising when on a sealing voyage, and also in hunting for food game. We are never stinted in any way in this respect.

In my catches along the coast I have got about half males, and, perhaps, not quite half; most of the females would be carrying pup. In the Behring Sea I have got more females than males, and a great many of these would be in milk. I have got quite a number of barren cows in both places; very few old bulls are got.

135 Seals travel singly, in twos, and also in schools, and in schools are mixed as to age and sex, and are much harder to get that way, for there is always one on the "look-out." There is no such thing as a leader to a school—it is every one for itself.

I notice just as many seals as when I first hunted, but they are much wilder, because so much more hunted.

I think the seals should be protected, and killing stopped at the rookeries.

I have not been paid anything, nor has anything been promised me, for making the foregoing statement, which I have read over and found correct.

A Government Agent, who was spoken of as J. E. Murray, and was taking evidence on the "Albatross," took my statement in connection with sealing under oath on board that vessel in June last, and where the subjects touched on were the same as you have asked me about I gave substantially the same answers.

(Signed) N. HODGSON.

Subscribed and sworn to before me, this 3rd day of December, 1892.

[SEAL] (Signed) CHAS. A. C. DUISENBERG,
Notary Public.

Deposition of Frank Moreau.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Frank Moreau, being duly sworn, deposes and states:

I am a resident of San Francisco, and an American subject. I began hunting in 1887, and have been hunting seals ever since.

I have been successively in the "Rosie Sparks," "Aldina," "Mary Dalio," "C. G. White," "Lily L.," and "Kate and Anna."

Until this year—although I have hunted on the Japan coast, in the vicinity of the Copper Islands, and in Behring Sea—I never made a really good catch; this year we got 1,435 with three boats, of which I got 467.

We use shot-gun and rifle, but mostly a shot-gun, and in my experience the loss from sinkage through being killed or mortally wounded would not be greater than 8 per cent., which would cover the whole loss. The coast loss is smaller than the Behring Sea loss, because, as a rule, those on the coast are fatter and more buoyant, and a pregnant female will not sink as easily as another seal.

Seals travel a good deal in schools, and are harder to get at then than when in ones and twos; they are mixed as to age and sex.

We get more females than males. I think there may be 80 per cent. of the seals on the coast females; I think that perhaps of the cows 75 per cent. carry pups, and in Behring Sea the same percentage would apply to cows in milk, though I did not pay particular attention to the matter.

We get plenty of barren cows.

I do not notice that seals are decreasing, but are wilder and harder to get near.

I didn't hear of any vessels having been in Behring Sea this year that were not warned away or seized. We left Copper Island about the 12th August, and arrived in San Francisco about the 20th September, and kept to the south of the Aleutian Islands. I noticed seals more or less all the way across.

I think there is a difference in the quality of the skins between those on the Russian and American coasts, because I have noticed more shaggy and rough skins on the Russian than on the American.

I have seen seals taken in milk 100 miles from the rookeries.

I think some protection should be given the seals, and would make a close season in the Behring Sea during July, August, and September, and of course this would apply as well to the breeding-islands as the open ocean.

We are never restricted in the use of ammunition, and can use just as much as we like in practice at game or at a mark.

I have not been promised nor paid anything in consideration of having made this statement, which I have read over and found correct.

(Signed) F. MOREAU.

Subscribed and sworn to before me, this 5th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Peter Carlson.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Peter Carlson, being duly sworn, deposes and says:

I live in San Francisco, and am an American subject. I have been sealing for four years, the first two years as a steerer, and last two years as a hunter.

In 1887 I was out from this port in the "Lottie Fairfield;" in
136 1888, from Victoria, in the "Favourite;" in 1889 and 1890 I was not out; but in 1891 I went in the "C. H. Tupper" from Victoria

as a hunter; in 1892 (last year) I was in the "Viva" from Victoria; in 1888, we hunted on the coast into Behring Sea. We got on the coast in the "Lottie Fairfield" in 1887, about 500, and I left her at Victoria; in 1888, on the "Favourite," we went directly, almost, through the Omaka Pass into Behring Sea, and didn't get more than 50 seals on the coast; we left Victoria about the 1st June. In 1891 we left Victoria on or about the 20th February, and got all our seals on the coast, as we were warned off Sand Point not to go into the Behring Sea; we got 619 on the coast. Last year we left Victoria on the 15th February, and got 1,848 seals.

In the year 1891, as a hunter, on the coast, I got personally 95 seals, and in 1892 on the same coast, American, I got 260 seals.

I do not think the seals are less numerous this year than when I first went sealing, as I have seen more seals this year than ever before. They are getting better educated to look out for danger and harder to get, but there are just as many of them.

I shot 260 seals last year, and from sinking lost 6, 4 of those I lost through carelessness of the steerer and myself. I remember this distinctly, as it is a serious matter to us. An old hunter will usually get the seal he shoots at, particularly if he only wounds him. A good hunter ought not to lose, from sinking, 5 out of the 100. I know that hunters often say that seals have sunk when, in fact, they have missed them.

I hunt almost entirely with a shot-gun, and this year I didn't have a rifle in the boat. We kill seals from 10 to 40 yards, and the average is about 15 yards.

We are not restricted in our shooting, we load our own cartridges, and can use as much powderand shot as we please in shooting for practice and at game, and I know we use more in that way than at seals.

Seals travel in bunches or schools, and are divided up as to males and females and old and young, and they are very much harder to get than when singly, or in ones or twos, as there is always some on watch. I never heard of a leader, and there is no such in a school of seals.

On the coast going north, as we reached the Columbia River, we found mostly young bulls, and as we got toward Cape Cook we struck more cows. Our catch was half cows—half on the coast, as regards male and female.

I found that getting to the north of Sitka the greater number of the cows were in pup, but I found a good many cows that had neither pup nor milk in them.

I remember that in Behring Sea I was never nearer than 40 miles to the islands, and I got seals from there to 150 miles off, in milk.

I never saw seals cohabiting in the water.

I believe that there ought to be a close season for sealing, but that, should it apply to the open sea, the islands ought most certainly to be also included, and that no sealing should be done within 20 miles of the shore.

I have not heard of any one sealing in the Behring Sea this year that was not warned away or seized.

I was a sailor since I was 14 years old, and from this port for four years before I went sealing, and I never heard of a sealing-schooner named the "Maggie Ross," and would certainly have heard of her if she had been in the fleet.

I have not been paid nor promised anything in consideration of making the foregoing statement, which I have read over and found correct.

(Signed) P. CARLSON.

Subscribed and sworn to before me, this 3rd day of December, A. D. 1892.

[SEAL.] (Signed) LEE D. CRAIG,
Notary Public for the City and County of San Francisco,
State of California, 316, Montgomery Street.

Deposition of Dan A. Lewis.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Dan A. Lewis, being duly sworn, deposes and says:

1. Am a resident of San Francisco, an American subject, and began sealing in 1889; have hunted on the American coasts into Behring Sea, on the Japanese and Russian coasts.

2. In 1889 I hunted on the "Undaunted," in 1890 I stayed ashore, in 1891 I was on the "City of San Diego," and in 1892 I hunted from the "Allie I. Alger."

3. On the coast, on the "Undaunted," we got, I think, 464 seals, of which I got 82. In the "City of San Diego," along this coast, we got 512, and off shore, within 20 miles of Copper Island, we got 632. We lowered our boats within 60 to 20 miles off shore, and then hunted. My individual catch this season on the "San Diego" was 270. This year, in the "Allie I. Alger," we hunted for a short time on the coast, got 28 seals, and proceeded directly to the Japan coast, where we got about 1,490. On the way back we entered the Behring Sea and got 114 seals, when we were told that the sea was closed, and we left St. Paul's Island on the 14th August. My total take on this trip was 386.

4. I know that in killing those 386 seals I lost exactly 6 that I had killed and sunk. A mortally wounded seal does not often get away. It is to my interest to keep count of the seals I lost, and the above are the facts of the case. From my own experience this year and the other years I have hunted I don't think I ought to lose more than
137 3 out of every 100 from dying, or that I have reason to think sink from being wounded. If a man has a light boat he ought never to lose a seal, for if a seal is crippled, and can keep away from me, he will live.

5. I kill all my seals with a shot-gun, and never use a rifle. We shoot seals at an average distance of 25 yards, and have killed a seal and got him at 75 yards.

6. We can shoot just as much as we want to when sealing, and there is just as much ammunition used in practice and at birds as there is in killing seals.

7. There are more seals now than when I first went hunting. I notice it wherever I go. Seals, I think, are well able to take care of themselves, and when they travel in schools, as they mostly do, it is very rarely that we can get more than one, as they are very watchful. I never heard of a leader to a school, but always noticed that there was a look-out on watch.

8. I cannot say anything about the proportion of males that were to females in my catch, but we don't get many old bulls, perhaps three or four in a season.

9. I have never seen seals cohabiting in the water.

10. In travelling in schools I have seen all sizes and ages of seals, but I cannot say anything about the sexes.

11. I have killed barren cows, but it is a matter I have not noticed very closely.

12. I think the seals ought to be protected, but if any close season is made the islands ought certainly to be closed, as well as the open sea.

13. I have not been paid or promised anything in consideration of having made the foregoing statement, which I have read over and found correct.

(Signed) DAN A. LEWIS.

Subscribed and sworn to before me, this 5th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Peter Hammel.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Peter Hammel, being duly sworn, deposes and says:

1. Am a resident of San Raphael, California, and an American subject. Am a seal-hunter, and hunted along this and the Japanese coasts.

2. For the last two years I have been in the "Mattie E. Dyer," and last year, 1891, we got along the coast from here to Kadiak over 400 seals, and I got personally 72. This year, on the Japanese coast, our catch was over 1,180, of which I got 92. My catch this year was small, owing to the fact that I was lost from the schooner in a fog, and had to return by steamer.

3. I used a gun in sealing almost always, but occasionally a rifle, and lose by sinking very few seals, not more than one in every twenty-five.

4. Pregnant seals float longer than bulls or barren cows.

5. Seals are killed with a shot-gun from 10 to 30 yards away.

6. The seals most always travel in schools, and are then very hard to get. The schools are mixed—old and young, male and female.

7. I think I get more females than males, perhaps 20 per cent. more. I haven't found a big lot of difference in the numbers.

8. More than half the cows on this coast were carrying pup, but on the Japan coast not so many carried pups, not half of them any way.

9. I have killed plenty of barren cows. I cannot say just what proportion there would be barren, as I paid very little attention to the matter.

10. I could not see the difference between the skins taken on the Japanese coast and those taken on the American coast.

11. In sealing I could use ammunition for shooting at game, and we were never stinted in its use.

12. Seals eat all sorts of fish, and wherever the herring and bait is there will seals be found.

13. I have killed very few old bulls.

14. I have never seen a dead seal or "stinker" floating.

15. I think that the seals ought to be protected, particularly at the rookeries.

16. I have read this over and found it correct, and I have not been paid or promised anything in consideration of having made the foregoing statements.

(Signed) PETER HAMMEL.

Subscribed and sworn to before me, this 6th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

138 *Deposition of Roscoe Wheeler, Junr.*

STATE OF CALIFORNIA, *City and County of San Francisco.*

Roscoe Wheeler, the younger, of the city of San Francisco, being duly sworn, deposes and says:

1. I reside in Flintville, Alameda County, in the State of California, and am, and have been for some time past, connected with my father, Roscoe Wheeler, in business in the city of San Francisco.

2. My father, the said Roscoe Wheeler, is managing owner of the sealing-vessel "San Diego," of this port.

3. Said vessel "San Diego" arrived in port on or about the 18th day of August last from a sealing voyage to the Japan coast, having on board 2,069 skins for her season's catch.

4. On the afternoon of the 19th of the same month an inspector came on board and commenced an examination of the skins on board of said vessel the "San Diego." He sorted them out in various piles, and occupied the afternoon of that day, the 19th, and the forenoon of the 20th, in such examination.

5. I cannot give the name of the person who made said examination of skins, but know him to be in the employ of the firm of Liebes and Co., furriers, of this city.

6. In the course of conversation while he was examining the furs I have referred to, he said he was doing it for the Government, and also mentioned that he had inspected the skins of the vessel "Sophia Sutherland" previously, and also said he had been with the firm of Lampson and Co., of London, England, for some years.

7. On the 23rd day of August my father sold the skins referred to to the firm of Liebes and Co., and they were subsequently on the same day delivered at the store-room of that firm's place of business in this city.

8. On the following day, in consequence of the discovery that some of the skins were missing, I had occasion to go over to H. Liebes and Co.'s warehouse to see about those missing, when I saw there the same party who had inspected the said skins on the 19th and 20th, and who appeared to be engaged in baling the same skins for shipment. He was in the basement of the firm's warehouse, which is situated on Post Street, in this city.

9. The missing skins were found, with the exception of one, they having been left on the vessel covered up in the salt, and had not been inspected; they were, I think, sixteen in number, which were not delivered at the store of Liebes and Co. until the 24th August, when the final payment was made to my father.

No other person inspected the skins of the "San Diego" whilst they were on said vessel, for I was present during all the time they were being so inspected. During said inspection the skins were thrown out in several piles, and the inspection appeared to be the same as is adopted when grading for purchase.

10. On the 24th August, when, as I have previously stated, I was in the basement of Liebes and Co.'s store arranging for final settlement of the purchase by that firm, I saw in the office there what appeared to be a sworn statement of the assortment that had been made of the skins on the vessel "San Diego" referred to, and though I asked at the time for a copy of it, it was not given me, the excuse given being that it was for the Government. I cannot now remember the contents of that statement, nor the name signed thereto, but it contained several classifications; I do remember that it placed the number of pups at 101.

11. Nothing has been paid or promised me for making this statement, which I have read over and have found correct.

(Signed) ROSCOE WHEELER, Junr.

Subscribed and sworn to before me, this 7th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of James Carthrat.

STATE OF CALIFORNIA, *City and County of San Francisco.*

James Carthrat, of San Francisco, having been duly sworn, deposes and says:

1. I reside in San Francisco, in the State of California, and am in my 80th year.

2. Have been master and owner of sealing-vessels, but have never hunted myself.

3. In 1883 went out sealing for the first time in the vessel "San Diego," of which I was master, and sealed only fifteen days. I went out every year till 1887. When I was in the vessel "Sylvia Handy" I was always out as master. In 1887 the vessel was seized with 1,679 skins, which were confiscated.

4. Always sealed along the coast and in the Behring Sea, and noticed no difference in the number of seals from the first to the last year.

5. I never was out in a boat with a seal-hunter, but have seen hunters killing near the vessel, and know that hunters do not lose many by sinking, and a really good hunter loses very few, not over 5 in 100. I have seen my head hunter, William Thomas, on one occasion in 1885, bring in seventeen pelts with seventeen shots. I know of my knowledge that he only fired seventeen shots. They mostly use the shot-gun.

139 6. I myself personally never killed a seal.

7. In my recollection I got more females than males along the coast. About 60 per cent., I think, would be about the average run of females, and it would run about the same in Behring Sea, but for two years they ran about the same there. On the coast the cows are mostly carrying pups, and in the Sea they were mostly in milk. Have had a good many barren cows. In the latter part of July and August I have seen hunters get cows in milk down near the Aleutian Islands, and I would think they were taken at least 200 miles from St. George Island to the southward.

8. Early in the present year I made a statement to a Mr. Evans, an United States Government Agent, in his office on California Street, in this city. He questioned me in regard to sealing, and asked me if it was not a fact that hunters lost nine out of ten of their seals. I said, "Nothing of the kind." That a good hunter would not lose 10 per cent. by sinking, and perhaps not 5 per cent. He told me that the Company, meaning the North American Commercial Company, said that the pelagic hunters lost 30,000 to save 1,000, to which I replied that my hunters must have lost over 60,000 in one year, for the "San Diego" in 1885 got over 2,000 skins.

9. Cannot now remember what else I said, but it was something to the same effect as I have said to-day. It was a sworn statement. I gave the same person statements once or twice before, and last time he promised to pay me, but has never done so, and I do not now ever expect to get paid by him.

10. Nothing has been paid me, nor has anything been promised to me, in consideration of my making the foregoing statement, which I have read over and have found correct.

(Signed) J. L. CARTHRAT [? CARTHAT].

Subscribed and sworn to before me, this 8th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

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140 II.—TESTIMONY OF INDIANS ENGAGED IN PELAGIC SEALING AND IN INDEPENDENT SEAL-HUNTING.

Declaration of Jim, of Pachenah, Vancouver.

(A.)

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Jim, of Pachenah, Vancouver Island, British Columbia, sealer, do solemnly declare:

1. That I am the owner and master of the sealing-schooner "Mountain Chief."

2. I know a white man named Greenleaf; he was on my schooner last year. He was navigator for me one month. I did not get one skin while Greenleaf was with me. I was not out sealing that month; I could not get any canoes to go out. Greenleaf went from Victoria in my schooner to Chuckleesit, on west coast, and when I could get no canoes I brought my schooner back to Pachenah, where Greenleaf left her and came to Victoria. Greenleaf never was out with me catching seals last year or any year.

3. My Indian name is "Narwassan."

4. Greenleaf often asked me to take opium on my schooner to take down west coast to send to California. He wanted to hire my schooner to take opium to California, but I would not have it on board. Greenleaf was a smuggler.

5. That I use spears on my schooner to get seals; very few times use gun. I was never in Behring Sea till this year, and then I got seized.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JIM NARWASSAN, his × mark.

Subscribed and declared by the said Jim Narwassan before me, a Notary Public duly commissioned, and residing at and practising at the city of Victoria, in the Province of British Columbia, this 2nd day of November, A.D. 1892, the same having been first read over and explained to the said Jim Narwassan, who fully understood the same.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Hit-Hitli, of San Juan, in Vancouver Island, commonly called "Peter."

DOMINION OF CANADA, *Province of British Columbia,*

I, Hit-Hitli, of San Juan, Vancouver Island, commonly called "Peter," do solemnly declare as follows:

1. I am a policeman for the village, having been appointed by the Indian Agent for the District.

2. I am about 35 years of age, and have hunted seal ever since I was a boy; that is for fully twenty years.

3. Have hunted seals both in canoe from shore and also from schooners. When first went hunting seals was too young to handle a spear, but went along to steer a canoe.

4. In hunting for seals off the coast of Vancouver Island the natives always used a spear previous to two years ago, but since that time they have also used a gun.

5. Two men go out in a canoe, and the man in the bow does the shooting or spearing.

6. In using a spear, if a seal is missed it gets away without being frightened, but the guns scare them, and for that reason the natives prefer to use the spear.

7. Natives who use a spear never lose one they hit, but using a gun, if we shoot three at one time, two would likely be lost, as they would sink very quickly.

8. There are just as many seals along the coast now as when I first began to hunt, but they are found further off shore. About Christmas time they come into Barclay Sound on this coast amongst the islands there, and are seen in great numbers following the run of herring.

10. We get more females than males, and the former are always with pup. I notice no difference in this respect during all the time I have been hunting.

11. I have noticed that when the herring is plentiful on the Halibut Banks the seals are more numerous than when the feed is scarce, but of late, since the white hunters have taken to hunting with guns, they have driven the seals farther off shore, therefore we have been compelled to hunt them from schooners ourselves.

12. I have never hunted in Behring Sea but always off the coast, formerly from 10 to 15 miles, and now from 30 to 50 miles.

141 13. We commence hunting about Christmas time, which is the time seals first appear on the coast, and they are here for about six months, but we only hunt them for about three months.

14. We do not do any hunting now in canoes from shore.

15. About ten years ago a canoe manned by two natives would take from 10 to 16 seals each day, but now, hunting from the schooners, 4 a-day would be doing well. This is because the white hunters have made them wild by shooting them.

16. Have never heard or known of seals hauling out any place on this coast.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) HIT-HITLI (or PETER), his × mark.

Witnesses:

(Signed) A. D. LAING,
JOHN T. WALBURN.

Subscribed and declared by the said Hit-Hitli, commonly called "Peter," before me, this 2nd day of November, A. D. 1892, at the village of San Juan, on the Island of Vancouver, in the Province of British Columbia.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Kas-ado, commonly called "Tom," of the Village of San Juan.

DOMINION OF CANADA, *Province of British Columbia,*

I, Kas-ado, commonly called "Tom," of the village of San Juan, on the west coast of Vancouver Island, do solemnly declare:

1. I am a Pachenah Indian, and reside in San Juan, and am about 55 years of age.

2. Have hunted seals ever since I was a boy—formerly from shore, and latterly from schooners.

3. In hunting seals off Vancouver Island the natives up to two years ago or so used spears; since that time some have used guns, but all prefer the spear because it does not frighten the seals as the gun does, and because they always get all they hit with it.

4. We used to hunt from 10 to 15 miles from shore, and would get from 10 to 16 seals in a-day in our canoe; now we go out in schooners and hunt from 30 to 50 miles from shore, and only get about four in a-day in our canoe.

5. Do not think this is because the seals are less plentiful, but because they have been frightened away from shore by the white hunters, who use guns.

6. Seals come into Barclay Sound in great numbers about Christmas time, following the run of herring. Seals are always more numerous years that the herring are plentiful on the Halibut banks than when the feed is scarce.

7. We have always got many more females than males, and they are mostly with pup. In a take of ten about six would be females, and of that six three would be cows with pup, and the other three young female, and of the males (four) two would be 1 year old or so, and the other two 2 years old. We never get any old bulls off the coast, but sometimes get cows that are not with pup. We get a great number of grey pups some seasons; grey pups are nearly always males, and the brown pups are about half males and half females. This year we only got a few grey pups.

8. This year I sealed in the schooner "Fawn" off the north-west coast, and followed the seals up as far as Kadiak. We were away two months and a-half, and had eleven canoes and got 450 seals. We were late getting away, or would have got a better catch.

9. Seals are most plentiful along our coasts about Christmas time, and we begin hunting then, and hunt for about three months before going north.

10. I have hunted five seasons in Behring Sea, and always use the spear; we go out in a canoe, and each takes a spear, and if we come across two or three seals sleeping together the man steering uses his spear as well as me. I always go in the bow. In one canoe we often get fifteen seals a-day, but sometimes get out only two days a-week on account of fog and bad weather. I never sealed very near the Priby-

loff Islands; the nearest was one year in the "Minnie," when in a clear day the Captain pointed them out, and I could just see them.

11. In Behring Sea we always got more young bulls than cows. About half the cows got would be in milk, the other half being young females and cows without pups in them.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) TOM, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of San Juan, on Vancouver Island, in the Province of British Columbia, this 2nd day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

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142 *Declaration of Schoultwick, commonly called "Jinks."*

DOMINION OF CANADA, *Province of British Columbia,*

I, Schoultwick, commonly called "Jinks," do solemnly declare:

1. I am a native of the west coast of Vancouver Island, and a resident of the village of Ohiat.

2. Am a hunter and fisherman, and hunt seals along the west coast every year, commencing about January and continue for about two months, then go north.

3. When the seals are inside of Barclay Sound and in shore along the coast we hunt from shore in canoes when the weather will permit; at that time of the year the weather is very stormy, and we get out only about two days a week; this commences a little after Christmas, and continues about two months.

The white hunters follow the seal in from their schooners, and shoot them and frighten them out, and makes them wild. Two men go in a canoe, one to steer and the other to use the spear. Hunting from shore we use the spear altogether, but from the schooner both spear and gun.

4. The seals are always most numerous when the herring are most plentiful, which they follow as far as head of Barclay Sound, and we kill them there every year if the bait go that far.

5. Along the coast and in the Sound the seal were not as plentiful in 1892 as in 1891, and the reason was the white hunters came around before we had a chance to go out, and using the guns scared them off shore.

6. Have only used the gun for two years, and am not a good shot, and only pack it along for nothing; it is the same with all the rest of my tribe; all prefer the spear; none of the tribe are good gun-shots; with a spear we never lose one we hit, but many with the gun.

7. Around here we get more females than males, but farther north more males than females. Never get any big bulls on this coast, but get pups or half-grown seals. Natives do not keep any record of number of seals taken, nor of males and females, but think more females are got here than males, and lots of them are old ones without pups; sometimes would take ten seals, and find no females with pup, and

sometimes would take ten, of which four would be in pup; last year got great many grey pups, and all grey pups are males.

8. The seals this year were not so plentiful as last, and the herring were very scarce.

9. My tribe want gun-sealing stopped, and seals will increase and come in shore again. We wish the white hunter to be stopped from coming in shore to hunt with guns, and any "King George" (English) schooner coming here to take Indians out to bring no guns with them. I commenced hunting seals about twenty-seven years ago, and before the white hunters came made lots of money, but as soon as white hunters found there were lots of seals there, there were so many schooners came on the coast hunting that they have driven the seals away out. It is the young men who have tried the gun mostly, but find that they can make nothing with it, and now want it stopped altogether.

(Signed) SCHOULTWICK, his × mark.

First having been read over and explained.

Witnesses:

(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Ohiat, on Vancouver Island, in the Province of British Columbia, this 4th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Clawaunack, So-y-uk, Thompson, Jack, Too-tootch, and Jimmy.

DOMINION OF CANADA, *Province of British Columbia,*

We, Clawaunack, So-y-uk, Thompson, Jack, Too-tootch, and Jimmy, do solemnly declare:

1. That we are native Indians of the west coast of Vancouver Island, and reside in the village of Ohiat, in Barclay Sound.

2. We have heard what has been said by Schoultwick, commonly called "Jinks," here present, and fully understand it, and the same is true.

And we make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CLAWAUNACK his × mark.
SO-Y-UK, *ditto.*
THOMPSON, *ditto.*
JACK, *ditto.*
TOO-TOOTCH, *ditto.*
JIMMY, *ditto.*

First having been read over and explained.

Witnesses:

(Signed) JOHN T. WALBURN.
A. D. LAING.

143 Declared before me at the village of Ohiat, in Vancouver Island, in the Province of British Columbia, this 4th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Clahapisum, commonly called "Eared Coon."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Clahapisum, commonly called "Eared Coon," of the village of Ohiat, and one of the Ohiat tribe of Indians, do solemnly declare that:

1. I am a native of the village of Ohiat, in Barclay Sound, and I am about 35 years old.

2. Have hunted seals since I was a boy, and have hunted them all along the west coast of Vancouver Island, from 5 to 50 miles from the coast, and also in Barclay Sound. About ten years ago commenced sealing from the schooner, as the seals were not coming in close; when sealing from the shore we used to get from 10 to 15 a-day in one canoe, with two in a canoe—now, sealing from the schooner, we get from 5 to 10. About twenty years ago fully twice as many from our tribe hunted seals, because our tribe was larger then.

4. The reason we hunt so far from shore is that the seals do not now come in close to shore, the white man having frightened them off shooting them. Years the herring are plentiful on the banks and in the bays the seal are very plentiful, and can be seen following the herring in, but soon as white men commenced shooting, they turn and go out.

5. When we open them we find cod-fish, halibut, red cod, shrimp, and herring in them.

6. A little after Christmas the seal come into Barclay Sound after the feed, and we kill them up as far as Nob Point, about 12 miles from the entrance. They came in in good numbers last season, and always do every year.

7. There are as many seals as formerly, but they are more frightened and harder to kill.

8. I use the gun and spear when hunting, and have done so for about five years; if the seals are close, use the spear; if some distance off, and seal is waking up, use the gun. When two are sleeping together, one will use the spear and the other the gun. Never lose a seal with the spear if it fastens, but lose many with the gun. A good hunter will only lose a few. I am not a good shot with a gun; only a few of our tribe are good gun-hunters. Many more guns are used now than a few years ago by our tribe, and are being used more and more every year. The young men use the gun more than the old ones.

9. Along this coast and in the Sound more females than males are taken. In a catch of 10 I think about 6 would be females, and about 4 would be carrying young; the males are mostly young bulls. Farther north we get more bulls than here. We natives keep no record of these things.

10. Seals are most plentiful here the third moon from now, but remain off the coast for about six months. The best sealing time is the first six weeks, for they are closer in shore. Did not hunt from shore at all this year.

11. What I have said here has been written down and read over to me and explained to me in my own language, and I understand it and it is true, and I have not been paid anything nor has anything been promised me for making this statement.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CLAHAPISUM, his × mark.

Witnesses:

(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Ohiat, in Barclay Sound, in the Province of British Columbia, this 4th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Hanaisum, commonly called "Mac."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Hanaisum, commonly called "Mac," of Ohiat, do solemnly declare that:

1. I am a native of the west coast of Vancouver Island, and reside in Ohiat.

2. I know the native Clahipisum here present, and have heard his deposition and fully understand it, and it is a true statement.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) HANAISUM, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

144 Declared before me at the village of Ohiat, in Barclay Sound, in the Province of British Columbia, this 4th day of November, in the year of our Lord 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Clahouto, commonly called "Jackson."

I, Clahouto, commonly called "Jackson," of the village of Ohiat, do solemnly declare that I have heard the deposition made by Clahipisum, here present, and fully understand it, and it is true.

2. I hunted from the shore in Barclay Sound this year and got 17 seals in five days, using the spear. In January of last year (1891) I got 80 in about fourteen days.

3. Seals come in every year about the beginning of January, and are more plentiful when the herring are plentiful.

4. This year, after hunting in the Sound, I went outside in a schooner and got sixty-six, using both gun and spear.

5. Nothing has been paid me or promised me for making this statement.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CLAHOUTO, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Ohiat, in Barclay Sound, in the Province of British Columbia, this 4th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Walter Watt.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Walter Watt, of the village of Alberni, in the district of Nanaimo, on Vancouver Island, in the Province of British Columbia, do solemnly declare that:

1. I am 28 years of age, and have lived in the village of Alberni all my life.

2. I have hunted seals on the coast of Vancouver Island from the mouth of the Barclay Sound to as far as Nootka Sound, and also inside Barclay Sound from Cape Beale up to Rainy Bay, and have hunted from the shore, and also from schooner. Have hunted from shore from all the way from 1 to 15 miles out. Seals follow the herring in, and are also driven in by rough weather. Have hunted from a schooner as far as 50 or 60 miles out.

3. I have used both spear and gun; if I get close enough I use a spear; if not I shoot them. With a spear I lose none that I fasten to, and if I miss them they are not injured. I am only a middling shot with a gun, and would lose one or two in ten, and a good gun hunter might not lose that many. Seals sink quickly when injured, but if badly hurt come to the surface again, and can be shot again.

Cows with pup will not sink quickly. The natives prefer the spear, and will always take the sleepers that way. They nearly always take a gun with them as well as a spear, but they think the gun frightens them and makes them wild like hunted ducks, and keeps them from coming in close to shore.

4. Seals are more plentiful some years than others, just as with any kind of fish. I believe that the seals are just as plentiful as years ago, but do not come in so close to shore since they have been hunted with the gun. The natives object to the white hunter coming in and hunting them when they are close to shore. I have lived with the natives of the Sound all my life; am a half-breed, and married to the daughter of the Chief of the Tseshat tribe, and I know what they (the natives) say and think about it. There were not so many seals taken in the Sound and on the coast this year (1892) as in 1891, and I noticed that the herring was not so plentiful. I have noticed seals come in close to shore at night and go away out to sea at daylight.

5. Commence hunting seals in the Sound and on the coast about New Year, and continue for about six weeks or two months, and then go out in schooners, but odd seals remain off the coast for about six months before going north.

6. About ten years ago the natives got more than they do now. Since the white hunters came shooting them about six years ago they do not get so many, but some years they are more lucky than others.

7. Around the coast we get about half females, or perhaps a little more; in a take of 10, 6 would likely be females; of those 6 about 3 would be cows with pups in them, and the rest barren cows and pups. There are very few old bulls got on the coast; the males are mostly young bulls of 1 and 2 years old; get quite a few barren cows.

8. The average catch for a canoe with two men along this coast from shore is about fifty for the season, but we can only hunt about two days a-week, as the weather is generally very rough; sometimes we might get more, and often less.

9. A good number of grey pups are got; these are always males. Not so many were got this year as last.

10. Never heard of seals hauling out on the rocks in Barclay Sound or on the coast, and never heard of their pupping in the water or on the kelp.

11. Have no idea of how long the natives have been hunting seals from the coast.

12. What I have said has been read over and explained to me, and I understand it, and nothing has been paid to me or promised to me in consideration of my making this declaration.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WALTER WATT, his × mark.

Witness:
(Signed) JOHN T. WALBURN.

Declared before me, at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 5th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Chileta, commonly called "Jack."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Chileta, commonly called "Jack," of the Sechott tribe of Indians on the Island of Vancouver, do solemnly declare that:

1. I am a native of Vancouver Island, and belong to the tribe of Sechott (Sechart?) Indians, and now reside at the village of Alberni at the head of Barclay Sound. Was living at Aquis village in Toquat Harbour at the time the "Boston," United States man-of-war, came there this spring and I went on board of her. Dick came on shore and got six of us to go on board. An old Indian said, "Don't go," but Dick said if we came we would get paid; and I was paid 1 dollar and given a large plug of tobacco. I think the Captain took the money out of his pocket and gave it to an old man who talked Chinook, while a young man wrote down what was said. The old man told me I would get paid for what I told. Was afterwards paid 5 dollars for going to Ohiat and Ucleulet, where I got the Ucleulets to go on board and make statements.

2. Dick did the talking first while I was there, and I heard all he said and remember it. The white man commenced by saying, "The reason we have come, we want to find out something about all kinds of animals and fish—where there was most;" then we told him where we got most of the different kinds of skins and fish. Then he asked how many seal-skins one canoe would get in a season, and I said a canoe would get about 100. He asked me how many canoes were manned from our village this season, and I think Dick said nineteen: and I said twenty, our tribe cannot man more than that number of canoes. I don't remember how many skins Dick told him we had got sealing off shore, but I said about 300, and we all said they were got in the Sound and off Nillugo Island. The old man asked if we ever hunted near the American coast. I said when we go out in a schooner we sometimes went to the southward of Cape Flattery, but a long way off shore, and Dick said the same. That is all I remember telling him, but Dick was with him a long time; I was not with him very long.

3. I never told the old man that seals did not come in to Barclay Sound, for we kill them every year away up, and I have killed them as far up as Bird Rocks. None of us who went on board the "Boston" (United States) man-of-war, had been sealing from a schooner up to that time. About three weeks after the man-of-war was with us I went north on the schooner "Auritas," and at the time we were waiting for that schooner to come from Victoria—we were looking for her to come every day, and we got news she was being repaired in Victoria, and would be along in a few days. I was only with the schooner about a month, and left her at the Island of Kadiak after my brother got killed by the bursting af a cannon which they were firing in a fog recalling the canoes. During the time I was on board I got thirty-nine seals—of these I got fifteen with the gun, and the rest with the spear. I lost none that I hit with the gun as I never fire when they are far off, and after shooting them use my spear as a gaff. Use the spear whenever I can, but if I see them going to wake up, and they are not too far off, I use the gun. I am a good shot with a gun, and if they are not too far off I get every one I shoot. Am also a good hunter with a spear, and very seldom miss when I throw, and if the spear fastens, always get my seal unless the line breaks.

4. I think the seals are just as plentiful as they used to be—we see just as many when we go out in the schooners, but they are wilder on account of being so much hunted with the gun, and harder to get, and do not come so close to shore.

5. Along the coast and in the Sound we get about as many females as males—can always tell them apart in the water if they are not
146 sleeping and their heads are out of water, as they are quite different. Never see any large bulls till we get up as far Queen Charlotte Island. Old cows that are breeding have white whiskers, and have got plenty of them, carrying no pup and having no milk. Fully half the females caught on this coast have pups in them.

6. When in the "Aretas" this year we went north; I have not hunted near Cape Flattery for several years.

7. What I have said here has been written down, and read over and explained to me in my own tongue by Andrew Laing, and I understand it, and it is true.

8. I have not been paid anything, nor has anything been promised me for saying what I have said.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHILETA, his × mark.

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 5th day of November, 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Charles Hayuks.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Charles Hayuks, of Barclay Sound, Vancouver Island, do solemnly declare as follows:

1. I am a policeman, a native appointed for the purpose of preventing drinking and gambling among the Indians.

2. I have hunted fur-seals from the shore of the land about Barclay Sound for fourteen years, and have hunted as a hunter from schooners. I first went out in small schooners that would take us out and bring us back every time the wind would blow. We would hunt early in the season in canoes from the shore, for then the seals were close in to the shore, but later in the season we would go out in the schooners.

3. Four years ago I was north in the "Black Diamond," and was in the "Aretas" this year.

4. When I went out in canoes from the shore we sometimes got 10 seals, sometimes 12, but sometimes fewer; 14 was the most I remember getting. Sometimes we found the seals 5 miles from land, and sometimes 10 miles; two or three men went in a canoe, but only one hunted. We used to use spears only, but now use both the spear and gun. We are now obliged to use guns. The seals are getting much wilder now, and it is very hard to get them with a spear.

5. When we shoot seals we never lose them; when they are shot we spear them and haul them on board; we use the spear in the same way a white man uses the gaff.

6. The reason we get the seals for sure is that a canoe is easier handled, and we are quicker than the white man.

7. When the herring are plentiful and come in close there are plenty of seals, but when the herring are scarce or don't come in close we don't get many. Last spring—a year ago last spring—there were great numbers of fish and of seals. We took over 1,000 seals at Barclay Sound from the shore.

8. We see the first seals a little before Christmas, and continue taking them until June, but there are seals about all summer.

9. I never heard of seals being seen on the rocks.

10. When out on the schooner this year I saw as many seals as I ever saw before. None of us Indians think the seals are any fewer.

11. While the seals are near the shore we would rather hunt them in canoes from the shore, but when they leave we like to go out on the schooners. We get good pay, and I am willing to go out on schooners.

12. If we could be left to hunt in our own way from the shore in the spring, I have no fault to find with the way sealing is carried on, but we don't like the white man's boats coming close in shore when we are hunting. After the seals go north we don't care who hunts them, and have no fear that they will be all killed.

13. I solemnly declare that I have told all I know about sealing, and what I think about it, and that I have received no consideration for the information I have given. My object in telling about the seals is only that all the truth may be known, and if the "Boston" men say that I told them anything different it is not true, because I told them just what I have said now, and everything has been now explained to me, and it is all right.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES HAYUK, his × mark.

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

147 Declared before me at the village of Alberni, in the district of Nanaimo, on the north-west coast of Vancouver Island, in the Province of British Columbia, this 5th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Charles Hayaks.

DOMINION OF CANADA, *Province of British Columbia*,

I, Charles Hayaks, of Barclay Sound, Vancouver Island, do solemnly declare as follows:

1. I am the policeman appointed by the Indian Agent at Ucluelet.

2. I was appointed to stop gambling and the liquor traffic among the Indians at Ucluelet, and have done all I could to do this.

3. Some time in April last an American ship, of which I do not remember the name, came to Ucluelet, and an Indian who was acting as a pilot came ashore, and with him were two white men; they asked all of us to come on board the steam-boat, as there was there a white man "Tyee" (Chief) who wanted to talk with us. I and several others went on board the steam-boat. When we all got on board they wanted to know who was the Chief; there are several Chiefs there, of whom I am one, and I and three others were selected, and were taken to a cabin where there were several white men. They asked us first about fish. There were two men on the ship who spoke Chinook; they acted as interpreters. They asked us then whether there were mink and deer-elk and bear near there, and we told them there were plenty. They wanted to know then if we knew where the seals had their young. We told them, no.

They wanted to know, then, how we took the seals; we said we speared them. They then asked if we used guns. We said, "Yes; we use guns now, we used to use spears." They wanted to know, then, how many we got each winter. I told them not so many now as we used to. They told me that muskets were not good to use. We told them that when the seals were easy to get we used spears, but now that they were wild, guns were necessary. The men said spears were best, because we were sure of getting seals when they were speared, but that with guns they would sink. They wanted to know how long seal had been coming to this coast. We told them, a long time; and that we used to get plenty, but that the seals were very wild now. They then said they would be back in about six months. After we were through they gave us 2 dollars each and some tobacco, and in addition gave me enough of blue cloth to make a suit of clothes. They told me that the white men were destroying the seals, for out of 4 they killed they lost 2. The whole time they kept telling us not to use guns, so that we got the impression they were helping us.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES HAYAKS, his × mark.

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 5th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Oquaghu, or "Charlie."

DOMINION OF CANADA, *Province of British Columbia*,

I, Oquaghu, or Charlie, of Numukamis, in the district of Nanaimo, on Vancouver Island, do solemnly declare that:

1. I am a native of the Island of Vancouver, and belong to the tribe of Ohiat tribe of Indians, and reside at Numukamis, on Barclay Sound.

2. Am a seal-hunter, and have been so ever since I was a boy. Have hunted in Barclay Sound and off the west coast of Vancouver Island, both from shore and from schooner. Commence about Christmas and hunt about two months from shore, and then go out in a schooner. Hunting from shore go from 2 to 15 miles out, and in schooner from 50 to 60 miles.

3. In hunting from shore use mostly a spear, but from schooner both gun and spear. The gun is always given by the captain. If I get close enough I always use a spear, even when hunting from schooner. A good hunter will never shoot when a seal is jumping or "breeching," but waits till it settles or gets close, and can get a good shot. None but white hunters shoot when the seal is breeching. I never lose one I hit using a spear.

4. Seals come into Barclay Sound every year in the month of January, and are more plentiful some years than others, and years the seals are plentiful have noticed that the herring were very plentiful near shore.

148 Seals are as plentiful as ever, but do not come in so close to shore now as before white men commenced hunting, and if white men are kept from shooting them near shore they would be as plentiful as ever. When the seal are very plentiful in shore the white hunters come along and hunt them with a gun and they go right out, seeming to get scared.

5. Five and six years ago we used to get more male seals than females; now we get as many females as we do males. Do not get many grey pups now. Fully half the cows we get have pups in them; the rest are young females, or old cows without pups. Do not get many old bulls on the coast; they are very scarce, but we get more of them the farther north we go. We do not get many old cows without pups in them.

6. I am a good shot, and would never shoot without I knew I was going to get the seal in the same way, as I never use the spear unless sure of getting the seal. I do not believe I would lose more than 2 seals in 10 I would fire at with a gun.

7. I did not hunt from the shore at all this year, but hunted for about two months from the schooner "C. D. Rand," of Vancouver, and got 78 seals in my own canoe along the coast up north.

8. What I have said here has been written down and read over to me, and explained to me in my own language by Andrew Laing here present. I understand it, and it is true.

9. I have not been paid, nor have I been promised anything for saying what I have said here, and I make this solemn declaration conscientiously believing the same to be true, and by virture of "The Act respecting Extra-Judicial Oaths."

(Signed) OQUAGHU (or CHARLIE), his × mark.

Witnesses:

(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 5th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Kach-kach-ah, or "Peter."

DOMINION OF CANADA, *Province of British Columbia,*

I, Kach-kach-ah, or "Peter," of Sechart, do solemnly declare that:

1. I am a native of Sechart, and at present reside in Alberni, in the district of Nanaimo, on Vancouver Island, in the Province of British Columbia.

2. I am a seal-hunter, and have been so ever since I was a boy; have hunted in Barclay Sound and off the west coast of Vancouver Island both from shore and from schooner. We commence about Christmas, and hunt about two months from the shore, and then go out on schooner; in hunting from shore do not go out more than 15 miles, and from schooner about 50 or 60 miles.

3. In hunting from shore use only a spear, but from schooner use both gun and spear. The gun is given by the Captain. If I can get close enough I always use a spear when hunting from a schooner. If two are sleeping together some of our tribe spear one and shoot the other, but I always make sure of one with the spear. A good hunter will never shoot when a seal is jumping, but waits till close and can get a good shot. None but white hunters shoot when seal are jumping. I am not a good shot, and would rather use a spear. When first commenced using gun lost a good many, but now do not lose many. Would never lose any I hit with the spear.

4. Seals come into Barclay Sound every year in the month of January, and are more plentiful some years than others, and altogether depend on the herring; if they are plentiful there are plenty seals. Seals are as plentiful as ever, but do not come in so close to shore now as before white men commenced hunting, and if white men are kept from shooting them near shore they would be as plentiful as before. They often come in shore very plentiful, but when the white man commences hunting with the gun they go right away off shore scared.

5. Five or six years ago we used to get more male seals than females; now we get about the same of each. About half the cows have pups in them; do not get many old bulls on the coast; they are very scarce.

6. I only got 20 seals in my canoe this year hunting from shore, but got 82 when I went up north. Last year I got 30 seals off the coast, and did not go up north. This year the white hunters came in before we had hunted long, and drove the seals out by their shooting.

7. What I have here said has been read over to me and explained to me in my own language by Andrew Laing, here present, and I understand it and the same is true, and I have not been promised anything, nor have I received anything, for making this statement.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) KACH-KACH-AH, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, this 5th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

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149 *Declaration of Charlie and Harry.*

DOMINION OF CANADA, *Province of British Columbia, to wit:*

We, Charlie and Harry, of the village of Alberni, in the district of Nanaimo, in the Province of British Columbia, do solemnly declare:

1. That we are natives of Sechart, and belong to the tribe of Indians of that name.

2. We have heard the deposition made by Kach-kach-ah, now present, and the same has been explained to us in our own language by an interpreter, and fully explained and read over, and the same is true.

3. We have not been paid anything, nor has anything been promised so as to induce us to make this affidavit.

And we make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLIE, his × mark.
HARRY, *ditto.*

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Alberni, on Vancouver Island, in the Province of British Columbia, this 5th day of November, A. D. 1892, the same having been interpreted by A. D. Laing, and read over and explained in the presence of A. D. Laing, and John T. Wallran.

(Signed). A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Shewish.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Shewish, of Sechart, and Chief of the Sechart Indian tribe, do solemnly declare that:

1. I am Chief of the Sechart Indians, and am at present residing in the village of Alberni, in the district of Nanaimo, on Vancouver Island, and am about 36 years of age.

2. I am a seal-hunter and have been so since I was a little boy, and hunt off the west coast of Vancouver Island in Barclay Sound from the shore, and in schooners. Commence hunting from shore about Christmas time, and continue two months and then go out in schooner.

3. In hunting from shore I always use the spear, but from schooner use gun and spear. I always get the seals with a spear if I can get close enough—if not use the gun. Sometimes I shoot a seal and spear it afterwards to prevent it sinking in the same way the white man uses the gaff. A good hunter will always shoot when seal is close, and loses very few, but some white men shoot when the seal is breeching (jumping), and I think that is how they lose a good many. I was out this year in the "Mischief" and got lost, and was picked up by the "C. H. Tupper," which was manned altogether by white men, and I hunted near them and saw some of them miss a good many seals by firing at them when breeching, and picked up two dead on the water that had been shot by them and had not sunk. They were both large cows, and one had a pup inside her, and the other had not. I am a good gun-hunter, and only lost 4 out of 46 I shot. The canoe was so full of skins and heavy that we could not paddle up quick enough, and they sank. Sometimes when wounded they go down and come up again, and another shot is got at them and they are killed. Amongst the natives a good many more guns are used now than a few years ago.

4. Seals come into Barclay Sound every year, and sometimes come up as far as Nahnimt, a village about 11 miles from here, and are most plentiful along the coast and in the Sound when the herring come in to spawn, and the more the fish the more the seal. All kinds of fish that are got on the coast are found in their stomachs. As long as the white hunters will keep from shooting them in shore they are as thick as they used to be, and there is no danger of their being killed off, and we (the natives) do not mind the white man using the gun hunting with the schooner off shore.

5. In 1891 my tribe got 1,600 seals with 19 canoes, and in 1892 (this year) only 750, all off the coast and in the Sound. Last year we hunted two months, and this year we only hunted six weeks, because so many white hunters came around us they drove the seals off shore. There were more white hunters this year than last, and I have seen as high as five schooners at once in sight of one another, and close in shore. Each one of these vessels would have from six to eight boats, with three men to a boat. The natives only have two men to a canoe, and the bow-man is the hunter. Of the 750 got by my tribe 240 were got in Barclay Sound. My canoe got 40 during the six weeks. We could only hunt about fourteen days out of the six weeks because of bad weather. When I got through hunting from shore I went sealing on the schooner "Mischief," Captain Petit, master.

6. Generally, hunting along the coast, we get of males and females about the same, but this year I got more males than females. I got three very large bulls this year, but most of them were young, about 3

years old. About half the cows would have pups in them, and
150 the others would be young cows. Have sometimes seen them with two pups in them, and this summer I got one off Queen Charlotte Island with two pups.

7. I do not know how long our people have been hunting seals, but my father has always hunted, though he is so old now that he can only steer.

8. What has been here said by me has been written down and read over to me and explained to me by Andrew Laing here in my own language, and I understand it, and the same is true.

9. I have not received anything, nor has anything been promised me to induce me to make the foregoing statements.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) SHEWISH, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Alberni, in the district of Nanaimo, in the Province of British Columbia, this 5th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Clat-Ka-Koi, commonly called "Billy."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Clat-Ka-Koi (commonly called "Billy"), of the village of Sechart, and one of the Chiefs of the tribe of that name, do solemnly declare:

1. That about seven months ago one of my friends, Chileta, or "Jack," came after me in the man-of-war's boat and took me on board, and when I went there I saw a gentleman, named Mr. Woods, an old man, who told me when I got through talking I would get something, and after I got through I got 5 dollars for myself and my son, who also talked with him. The son I speak of is now with me, and his name is Kickiana, or "Tommy."

He asked us when the deer got their young, and I told him, and also about bear, otter, mink, and other wild animals, then about fish, and appeared to be writing down what we said. Then asked about the hair-seal, if I knew where they have their young? I said "Yes; along the coast on the rocks." He then asked where the fur-seal had their young. I said "I don't know; never saw them have them on this coast." He said: "Didn't your father tell you long time ago that they had their young here?" I said "No." He (Mr. Woods) then said: "Where do you think the skins come from?" I said "I didn't know." He then asked: "Which do you think is best for hunting them, the spear or gun?" I said "I think the spear is good, for the reason that they don't get fewer, for when you shoot them the shot only makes them sick. After we shoot them we have to use the spear to prevent them from sinking." Mr. Woods then asked: "Is it good for the white man to seal in your waters?" I said "No; that is the reason the seals are so scared, because the white man comes in and does so much shoot-

ing." I told him I had been sealing for about thirty-six years. He asked me if that was all I knew. I said "Yes; but my son knows something." He said, "Does your son know where the seal have their young in Behring Sea?" Then I was done, and my son commenced to talk.

I was forgetting. I told him I had seen seals inside of Barclay Sound, and have killed them as far up as "Turn Point," and even farther up the canal. I told him that when the bait would come in sometimes I would go out and get three seals in a little while, and have gone a mile and a-half outside of Village Island when the herring have been plenty and seen lots, and that I had seen a canoe get from 15 to 20 a day there. I told him I sealed from shore from six weeks to two months when there are plenty of seals; also told him that we used to hunt for four months from shore till the white men came and hunted them away. I told him that this year our tribe had got 750 seals with nineteen canoes fishing from the shore, and that we had got more last year. I told him that one canoe owned by a man named Kennedy of the same tribe as I am had got 86 seals from the shore (in 1891) last year. There were five other gentlemen besides Mr. Woods sitting in the room. Mr. Woods and one other man spoke Chinook.

2. I have hunted both from shore and from schooner, but have never been in Behring Sea. The seals appear to be as plentiful now as formerly, but are more wild from being hunted so much.

3. Seals come into Barclay Sound every year, sometimes more than others; the more fish that come in the more seals come.

4. I watch if weather is good, and hunt in canoe from shore as far as 15 miles, but when the herring are spawning I have got them in as close as 2 miles from Village Island, away inside of Barclay Sound, and hunting from schooners I go from 50 to 60 miles. Hunting from shore I always use a spear, but when on board of schooner the captain finds me a gun and ammunition. A good hunter with a gun would not lose more than 2 seals out of 8 or 12, and I have known my cousin to have taken 17, and lost none. I remember now that Mr. Woods asked me about this, and I told him a good hunter would lose only 2 out of 10 or 12. Am a medium hunter with a gun, and out of 10 might lose 2 or 3. A good hunter will never fire when the seal is a long way off. With a spear if I did not miss altogether I would never lose one. One
151 of my friends gave a feast, and we had a talk about using spear or gun, and we came to the conclusion when sealing from the beach to use nothing but the spear, but from schooner to use both spear and gun.

5. In a catch often I would sometimes get 6 males and sometimes 6 females. Small seals are mostly young bulls, and sometimes in a day we would get nothing else. I have seen as many as 25 taken in one day. Some years we get a good many grey pups, and other years they are scarce. This year there were very few.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) BILLY (or CLAT-KA-KOI), his × mark.

Witnesses:

(Signed) JOHN T. WALBURN.
A. D. LAING.

First having been read over and explained by Andrew Laing in the native tongue.

Declared before me at the village of Alberni, in the district of Nanaimo, in the Province of British Columbia, this 5th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Clat-Ka-Koi, or Billy, says that his father told him that his (Billy's) grandfather used to hunt seals, but that when he was a boy they disappeared altogether, and were not seen on the coast for a number of years. Years afterwards he (Billy's father) went away whaling, and on his return brought two seals home with him which he had got at sea, and he did not know what they were until told by a very old man of the tribe, named Nehkit.

(Signed) A. P. S.

ALBERNI, *November 5, 1892.*

Declaration of Kickiana.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Kickiana, of the village of Sechart, in the district of Nanaimo, in the Province of British Columbia, do solemnly declare:

1. That I have heard the deposition of Clat-ka-koi, or "Billy," here present, and the same has been read over to me and explained in my native language (the Chinook) by one Andrew Laing, and what he has said is true.

2. I am the son of Clat-ka-koi above mentioned, and was present on board the "Boston" man-of-war with him when he made his statement to Mr. Woods mentioned, and I have not been promised, nor have I received anything for making this declaration.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) KICKIANA, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN
A. D. LAING.

Declared before me at the village of Alberni, in the district of Nanaimo, in the Province of British Columbia, this 5th day of November, in the year of our Lord 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Clicklahouto, or "Joe."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Clicklahouto, or "Joe," of the village of Alberni, on Vancouver Island, in the Province of British Columbia, do solemnly declare that:

1. I am a Sechart Indian, and reside in the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia.

2. Am about 35 years of age, and have been a seal-hunter ever since I was a boy and could handle a spear; have hunted all along the west coast of Vancouver Island and in Barclay Sound, and also in Behring Sea.

152 3. I have always seen seals, and have killed them every year in Barclay Sound. Sometimes they are quite plentiful, and then again there are not so many. Have sealed from the beach and also from schooner. Commence hunting from the beach about Christmas, and continue for about six weeks or two months, hunting every day that is fine enough, but from fog and wind a great many days are lost. After hunting from the beach a vessel comes along and takes us and our canoes, and we go away out from the shore, from 50 to 100 miles, and away up north to the coast of Alaska and Behring Sea hunting seals.

4. I always use the spear in hunting from the beach, and for the last two years have used both gun and spear, hunting from the schooner. I always wait till I get close to a seal before throwing my spear, from 4 to 6 fathoms. The spear has two prongs, with barbs on each, and a handle or shaft from 12 to 14 feet in length. Am a pretty good shot with a gun, and hunt carefully with it, and would not lose more than two out of ten, and not that many if I hit them. We natives would rather hunt from the beach with a spear, for the gun frightens the seal from coming close into shore, but hunting from the schooner we would just as soon use the gun, and use both, because after shooting the seal most of us use the spear to prevent the seal from sinking as the white man uses the gaff. The young men use the gun more than the old ones, and it is being used more every year amongst the natives.

5. In sealing from the beach and in the Sound I only got 35 seals this year, and last year I got about 20, but my tribe got more last year than this. I did not seal from a schooner at all that year, but last year I got 120 from a schooner. The good hunters always take the spear or gun and go in the bow, and two men are in a canoe.

6. Hunting from the shore I would get about 4 males out of 7 killed, and of the 3 females about 2 would have pups in them. Never get any large bulls down this way, but get plenty up north; never get any cows with milk till we go north. Along the coast have sometimes got large cows not having pups, and not in milk. We never keep any account of what males or females we get, or even the number of seals we get, but when hunting from the shore we take the skins to a trading post and sell them, and have no reason to keep an account. On the schooner the captain gives us a book, and marks down our take every time we come in with a load. In my catch this year I got a good many pups, but I cannot say how many. If a seal is asleep on the water I cannot tell a male from a female, but if the seal is awake and his head is above water I can always tell, as their heads and necks are quite different.

7. I believe the seals are as plentiful now as they were when I first commenced to hunt, but they are driven farther out from shore from being hunted, and are wilder and harder to get on. Some years the seal are very plentiful, but other years there are not so many; if the herring are scarce the seal are scarce, as they follow them in to where the spawning-grounds are to feed.

8. I have been in Behring Sea and hunted seals there, and I think I killed more males than females, and of the cows I killed many did not have milk, and were not in pup. In 1891 I killed sixty seals in Behring Sea. I went there in the "W. P. Sayward," and was only there from three weeks to a month.

9. What I have here said has been read over to me, and explained to me by Andrew Laing in my own language, and I understand it, and the same is true, and I have received no money or other consideration for making this declaration.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra Judicial Oaths."

(Signed) CLICKLAHOUTO, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 7th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Keshuqua, or "Jack," and Clatcher (Clatchu), or "Jinks."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

We, Keshuqua, or "Jack," and Clatcher (Clatchu) or "Jinks," of the village of Alberni, on Vancouver Island, in the Province of British Columbia, do solemnly declare:

1. We are natives of the Sechart tribe of Indians, residing in the village of Alberni, in Barclay Sound.

2. We have heard the declaration made by Clicklahouto, here present, about the seals on this coast and up north, and the same has been read over and explained to him and us by Andrew Laing in our own language, and what he has said is what we think, and is true.

3. We have come of our own free-will to make this declaration, and have received no consideration from any one for so doing, nor have we been promised anything.

153 And we make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) KESHUQUA. his × mark.
CLATCHU, *ditto.*

Witnesses:
(Signed) A. D. LAING.
JOHN T. WALBURN.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 7th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Clatmisk, or "Sante."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Clatmisk, or "Sante," one of the Sechart Indian tribe, do solemnly declare that:

1. I am a native of Vancouver Island, and belong to the Sechart Indian tribe, and reside in the Opechessit village, near Alberni, in the

District of Nanaimo, on Vancouver Island, and am 45 years of age or thereabouts.

2. Am a seal hunter, and have been one ever since I was a little boy; have hunted on the west coast of Vancouver Island, in Barclay Sound, and all along the coast of Alaska and into the Behring Sea.

3. Seals always come into Barclay Sound—sometimes very many, sometimes not so many; years herring are plentiful the seals are very plentiful; have sealed from the beach in canoe, and also in canoe from schooner; commence sealing from the beach about Christmas time, and continue till we go out in the schooners about six weeks or two months, depending on the time the vessels come after us. We of the Secharts have no schooner of our own, but always go in a King George (English) schooner. Boston (United States) schooners have come after us, but we would never go with them. In hunting from the beach we go all the way out from 3 to 15 miles according to the weather and where the seals are. In schooners we go from 50 to 100 miles off the coast.

4. Never use a gun unless I am on board a schooner, where I use both gun and spear, but never use the gun where I can get close on them with a spear. I am not a good gun-shot, but am very good with a spear, and would not miss one in ten that I throw at. The old men amongst the Indians do not use the gun much, but the young Indians are using them more each year. The gun has frightened the seals away off from shore, and they are very wild. We see as many as ever, but they are much harder to get at.

5. I got this year 100 sealing from the beach and 80 from the schooner. I got more this year than last; some of our tribe get many more than others, for some are not as good hunters, and do not work so hard as others.

6. Our tribe manned eighteen canoes, and with the Opechessit tribe we manned twenty-five canoes, for we generally hunt together and live close together. I don't know how many our tribe got from the beach, but on the schooner "Mischief" we had nine canoes this year, and we got 700 seals along the coast as far as Kadiak, and were away three months. We could only hunt about twelve days a month on account of the bad weather. One of our canoes was lost, and was picked up and brought back by the "Tupper;" Shewish and Watcomna were the ones lost in it.

7. Along the coast and in the Sound I have always got more males than females, but others I have known have got more females than males; some years there may be more cows than others. The pups are mostly bulls; I got quite a few pups this year. I did not get any old cows this year that did not have pups in them, but have seen plenty. Did not get any large bulls in the Sound or off the island this year, but off Queen Charlotte's Island I got ten of the largest bulls. The grey pups are always bulls, and hunting from the beach I got quite a few this year.

8. I have been twice in Behring Sea—in the schooner "Adele" in 1889 or 1890, and I got many more males than females, and they were all half-grown or large bulls, and all the cows I got had milk in them but no pups.

9. What I have here said has been read over and explained to me in my own language—the Chinook—by Andrew Laing here present, and I understand it and the same is true, and I have received no money or other consideration for making this declaration, nor have I been promised anything.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CLATMISK, his × mark.

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 7th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

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154 We, Wahka, or "Billy," Nahwyak, or "Tom," Claphightup, Tsawassup, or "Joe," of the village of Alberni, in the District of Nanaimo, on Vancouver Island, in the province of British Columbia, and members of the Sechart tribe of Indians, and Tootush of the village and district aforesaid, member of the Opichisset tribe of Indians, do solemnly declare that:

1. We were present and heard the deposition made by Clatswick here present.

2. That it was read over and explained to him and us in our own language—the "Chinook," and we understood it, and the same is true as regards what we have observed about the seal along this coast, and is what we think about it, and we have not been promised, nor have we received anything in consideration of making this declaration.

3. I, "Billy," was up in Behring Sea this year, and what Clatswick states about it was the same as I noticed it. I was in the "Aretas" in Behring Sea this year.

(Signed) WAHKA, his × mark.
NAHWYAK, *ditto.*
CLAPHIGHUP, *ditto.*
TSAWASSUP, *ditto.*
TOOTUSH, *ditto.*

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

Declaration of John Margotich.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, John Margotich, of Ucluelet village, on the west coast of Vancouver Island, in the Province of British Columbia, do solemnly declare:

1. About the last of April or beginning of May last I went on board of the American Government steamer ("McArthur") at the invitation of the Captain, who asked me about the seals coming to the coast of the island and in Barclay Sound. I told him that the seals came in every year amongst the islands, and were also found off the coast every year. I said young pups were caught about the Sound and coast every year; some years more and some less. I told him that the natives had killed from 700 to 800 around the Sound and off the coast hunting from the beach in canoes this year (1892). Never said I was agent for five sealing-vessels, because I am not agent for any, but am simply a storekeeper, and trade with the Indians. I could not have told the Captain

that seals never came into the Sound, for I have been twenty-five years on this coast, and have always seen the seals come into the Sound every year. A young man was taking down what I said, and when I had got through I was asked to touch the pen and hold up my hand.

What I have here told is the truth, and nothing has been given me as consideration for telling this, and what has been written down has been read over to me and explained, and is all true.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN MARGOTICH, his × mark.

Witnesses:
(Signed) A. D. LAING.
JOHN T. WALBURN.

Declared before me at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 7th day of November, in the year of Our Lord 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declarations of Joseph, Jack, and Johnny Hammond.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Joseph, declare that I am the Chief of the Clayoquot Indians.

I have been out hunting on schooners, and have also hunted from the shore. Eight years ago I went out in a Seattle schooner, and worked for that firm four years. I was not out again till this year. I was on the schooner "Triumph" this year. I used both a shot-gun and a spear, and like them equally well; the other Indians say that too. We do not lose any seals that we shoot; if very close we use the spear, if not, we use the gun. We get more this way, for if we see two sleeping can spear one without waking the other, and then can shoot the other. If there is only one we shoot it. We get more man seals always; we used to go out in canoes from the shore, two men in a canoe; sometimes we would get 10, sometimes 20, sometimes fewer; if the weather is fine we get a great many, sometimes as many as 40. We go
155 out hunting first a little after New Years; we hunt about five months in this way. We find cod, salmon, and squid in their stomachs. We saw plenty of seals this year, but we went out too late. The seals will never be all killed by hunting them; no matter how many seals we kill there will be plenty left.

I, Jack, a Clayoquot Indian, say that I have heard what Joseph said, and it is what I think too. I have been hunting fifteen years on schooners. I was on the "Triumph" this year.

I, Johnny Hammond, a Clayoquot Indian, say that I have been hunting sixteen years. I heard of no "Boston" (United States) steamer at Clayoquot this year. I am out most as a steerer, for when a man is found to lose seals he is made a steerer.

(Signed) JOSEPH, his × mark.
JACK, *ditto.*
JOHNNY HAMMOND, *ditto.*

Witness:
(Signed) R. MAYNARD.

I, R. Maynard, of the city of Victoria, in the Province of British Columbia, make oath and say:

That I acted as interpreter for Mr. Macoun while he questioned Joseph, Jack, and Johnny, three Clayoquot Indians, whose statements are hereto annexed. Two of them understood English fairly well, but while the questions were asked in English, I explained their meaning to them in Chinook.

I have read over these statements as set down by Mr. Macoun, and swear that they are as made by the Indians, and that they were not influenced in any way, and received no consideration for the statements they made.

(Signed) R. MAYNARD.

Sworn before me at Victoria, this 6th day of October, 1892.

(Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Ehenchessut, commonly called "Dick."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Ehenchessut, commonly called "Dick," one of the Sechart tribe of the village of Alberni, on Vancouver Island, do solemnly declare that:

1. I am a native of the west coast of Vancouver Island, of the Sechart tribe of Indians, and now reside in Alberni, but in April last was living at Aquis, in Toquat Harbour, in Barclay Sound, and was there at the time the "Boston" (United States man-of-war) was there, and went on board of her after being asked to do so by some person who came ashore from her in a boat. The person who came ashore was one Willoughby, whom I knew a long time ago when he was Indian Agent at Neah Bay. He was a man with grey hair and very red face. He asked me if any Indians lived in that house (pointing to one on the beach). I said, "No, but there were six a little way off." He asked me could not I get them to come on board. I said, "It is too far for the old men to come." He said, "You get them to come on board, and I will give them 1 dollar a-piece and 5 dollars for yourself." I then went and got the six men. They were Clappa, Chakatt, Napoyook, Chileta ("Jack"), Ceissamilt, and Imihap, now present with me. None of them were Chiefs, and did not say they were. I am not a Chief, and never said I was one. There were no other natives with us on the ship at that time, and we were all together when the questions were asked us, but only Chileta (or "Jack") spoke besides myself. Mr. Willoughby questioned us. I told him that our tribe and the Opichissets manned thirty canoes to hunt seals from the shore this last season. He never asked me how many skins the whole tribe had got, but how many one canoe would get from the shore in a season, and I told him thirty. He then asked how many one canoe would get from a schooner in a season, and I said about forty hunting off the coast in a schooner. (I never went to Behring Sea.)

2. I told him we got skins every season inside of Village Island, in Barclay Sound. I could not have told him anything else, for I told him I had got them as far up as Ecool. I did not tell him I have been hunting off Cape Flattery this year, for I have not been sealing there for three years or more. The last schooner I was there in was the "Anna Beck." I now remember it was five years ago. I did not hunt from schooner at all this year, but altogether from the beach. I did not tell

him there were fewer seals, but that I thought there were just as many as ever, only farther off shore from being so much hunted by white men, and were harder to get. Two men on board the man-of-war spoke Chinook; the Captain was there when we were, and heard what we said.

3. I am not a good shot with a gun, and never use one, not even when going out in schooner; always use a spear, which is about 2 fathoms and 2 spans of the hand long, and would throw it from 5½ to 6 fathoms distance, and would almost always get the seal.

4. Years fish are most plentiful the seals come in greatest numbers, and when we cut them open find all kinds of fish in them.

5. We get of male and female seals about the same number along this coast. Never got a large bull here, all are half-grown and pups.

156 Of the females one-half would have pups in them, and the rest would be young cows; have got a few old ones without having pups in them; all old cows have white whiskers. If the seals are asleep in the water I cannot tell whether they are male or female, but if they raise their heads out of the water I can always tell, for the bull has a long neck and very short big head, but the cow has a short neck and a longer head.

6. I have been hunting seal for about fifteen years, and am about 30 years of age. Cannot say if we got more male seals this year than five or six years ago, for some years we get more bulls than cows, and some more cows than bulls.

7. After we had got through talking on the "Boston" (United States) man-of-war last spring, we were paid, as had been promised, 1 dollar each to the others, and 5 dollars to me. I think it was the Captain who paid us. We also got a plug of tobacco each.

8. I have received no money or other thing from any one for making this statement, but have done it of my own free will.

9. What I have here said has been read over to me and explained to me by Andrew Laing, here present, in my own language, and the same is true.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) EHENCHESSUT, his × mark.

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

Declared before me, at the village of Alberni, on the west coast of Vancouver Island, in the Province of British Columbia, this 7th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Imihap.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Imihap, of the village of Alberni, in the district of Nanaimo, in the Province of British Columbia, do solemnly declare:

1. That I am a native of Vancouver Island, and one of the Sechart tribe of Indians, and reside near the village of Alberni.

2. I was living at the village of Aquis, in Toquat Harbour, at the mouth of Barclay Sound, in April last, and was taken on board the

"Boston" (United States) man-of-war at the same time as Ehenchessut, or "Dick," here present, and heard what he said then to the White Chief (Tyee), and it is just about what he has said here, as far as I can remember. I have heard what "Dick" has said about the seals and sealing, and I agree with what he says, and it is what I think about it.

3. I am not a Chief of my tribe, and did not say so to any one; was promised 1 dollar to go on board the man-of-war to talk, and was paid it before leaving the boat.

4. What I have here said and what "Dick" said here has been read over and explained to us in our own tongue, and I understand it, and as far as my knowledge goes it is true.

5. Nothing has been promised me, nor have I received anything whatever, for making this declaration, but have made it of my own free will.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) IMIHAP, his × mark.

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

Declared before me, at the village of Alberni, in the district of Nanaimo, in the Province of British Columbia, this 7th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Annetz-a-Cheet, or "Jack."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Annetz-a-Cheet, or "Jack," of the Ucluelet tribe of Indians in Barclay Sound, do solemnly declare:

1. I am one of the Ucluelet tribe of Indians, and live in Okoolah village, in Barclay Sound, on the west coast of Vancouver Island, in the Province of British Columbia.

2. Am a seal-hunter, and have hunted ever since I was able to use a spear. I have not hunted at all for five years till this year, when I went out in my own little schooner and hunted off the coast about 50 miles. I hunted for about fourteen days altogether, as it would come on blowing very hard every few days, and my schooner being very small I had to come into shore. I hunted the latter end of May and beginning of June.

157 3. The seals appeared to me to be as plentiful as five years ago when I last hunted; I saw just as many. Some days a great many, and others only a few; they appeared to be wilder and harder to get near.

4. I first took two canoes with four men, and the next time I had four canoes with eight men, and we got forty skins. We used the spear only, and I have never used the gun.

5. The seals come into the Sound every year; they come in in the night, following the herring and other fish, and go away out again as soon as daylight comes. The reason is they are afraid to stay near the land, as the hunters with the muskets have frightened them. Have never hunted with any white men or Indians who used the gun; on

this coast and in the Sound sometimes we get more females than males, but this year I got more males than females.

6. I only hunted in the Behring Sea one year; that was in the schooner "Lily" about six years ago, and we got 500 skins with eight canoes and one boat.

7. What I have here said has been read over to me, and explained to me by Andrew Laing in my own language, and I understand it, and the same is true.

8. I have received no money or other consideration for making this declaration.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ANNETZ-A-CHEET, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me, at the village of Okoolah, on the west coast of Vancouver Island, in the Province of British Columbia, this 8th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

I, Louis Annetz-a-Cheet, or "Louis," do solemnly declare:

1. That I am the brother of "Jack" here present, and have heard what he has said, and it has been read over and explained to him and me in my own language by Andrew Laing, and I understand it, and the same is true.

2. I have received no money or other consideration from any one for making this declaration, but have done it of my own free will.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) LOUIS ANNETZ-A-CHEET, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me, at the village of Okoolah, on the west coast of Vancouver Island, in the Province of British Columbia, this 8th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Hat-la-Cuntl, or "Charlie."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Hat-la-Cuntl, or "Charlie," of the village of Ucluelet, in Barclay Sound, do solemnly declare:

1. That I am a native of the west coast of Vancouver Island, and am one of the Ucluelet tribe of Indians, and am about 36 years of age. I know this because I was about 6 years of age at the time the Alberni Mill stopped running.

2. Have hunted seals all my life since I could throw a spear, and have hunted from the beach and in the Sound, and also off the coast in schooners, and also in Behring Sea, and have never lost a year since I first went hunting.

3. I don't notice any difference in the number of seals I see now when out sealing than I did when I first went out sealing, and they come here in the Sound as plentiful as ever, and stay for a month to six weeks, but this year they only stayed about three weeks, as eight boats with white hunters were here hunting from the shore with guns, which scared the seals and drove them out. When I would be paddling up on a seal which was sleeping, the white man would fire a gun at another seal and my seal would wake up and go off before I was able to throw my spear. They are wild since the white man commenced hunting with the gun. I have never used a gun.

4. In sealing in Barclay Sound and from the beach this year my canoe got 35 seals, and from the schooner, along the coast and up north, I got 67. I went north and sealed all along the coast from Barclay Sound to Mount Fairweather in the schooner "Borealis." The number of skins taken altogether on the schooner was 643. Last year I got 50 sealing from the beach and in the Sound, and did not go out at all in the schooner.

5. I got about the same number of males as females altogether
158 but as I went north I think I got more males than down here, and I got one very large old bull off Mount Fairweather, which I speared through the heart, and it died at once and floated on top of the water. I don't ever remember having got an old cow that had no pup in her and no milk. Did not get any grey pups this year; they were very scarce, and I only got four last year, and one of these I caught by the flipper and threw it in the canoe alive; they sleep much sounder than the old ones.

6. I have not been in Behring Sea since 1887, when I went there in the "Black Diamond" and got 130 skins myself. I don't remember how many were got altogether. I think I got more cows than bulls up there, but cannot remember very well. The first four days I was in the Sea I killed some cows with pups in them, and for a week we got very few skins, but the captain showed a large school of herring and said, "If the weather is fine to-morrow you will get lots of skins." We did so, and we got a lot. We afterwards got quite a number of old cows with milk. We got no pups there, and the bulls were all old or half-grown. Was never near the Pribyloff Islands but once, and that was when the fog was very thick; when it lifted, and we saw the shore, we made sail and stood off to sea.

7. We use almost every part of the seal—sell the skin to the white man and eat the meat and save the oil. On the schooners the white man takes the skin off the seal and throws the carcass overboard, except what is wanted to eat immediately.

8. I know of no place along the coast of Vancouver Island or in Barclay Sound where the seals haul out and have their young.

9. Seals are first seen along this coast about Christmas time, and are seen till about the time the berries begin to get ripe, but we only hunt them for about three months from the shore, when we go away in the schooners. I have always seen the big ones come first, and towards the middle of the season the smaller ones come. They are always most plentiful when the herring are thickest, and I have seen them following the herring right in here, where we now are—in Ucluelet Harbour—in the night time, and have gone out and killed them.

10. Ever since I can remember we have been hunting seals in Barclay Sound and on this coast of Vancouver Island, and generally hunt with two in a canoe, but at the beginning of the season we go out sometimes with three in a canoe, as the weather is often very bad. The bow-man uses the spear. At the beginning of the season we would not go out any farther than we could see the waves breaking on the rocks, but as the weather gets better we go out as far as 20 miles. Got more males five or six years ago along this coast than we do now. Don't know any reason for this, unless it is because they stay up in the Behring Sea and feed there.

11. If seals are not asleep in the water, and have their "heads" up, I can always tell a bull from a cow, as the bulls have a very long neck and short big head, and have black whiskers; with the very old ones it may be turning white at the roots. The cows have short necks, and a longer head, and grey whiskers if very old.

12. None of our tribe use the gun hunting from shore, as the old men get very angry if we do, but when away with the schooners and we are given a gun, some of the younger men use them.

13. What has been said by me has been written down and read over and explained to me in my own language, and I understand it, and it is true, and I have received nothing, nor has anything been promised me, for saying it.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) HAT-LA-CUNTL, his × mark.

Witnesses:
(Signed) GORDON F. GRANT.
A. D. LAING.

Declared before me at the village of Ucluelet, in Barclay Sound, on the west coast of Vancouver Island, this 9th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Wake-a-Nen-Nish.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Wake-a-Nen-Nish, of the village of Ucluelet, on Vancouver Island, do solemnly declare that:

1. I am the Chief of the Ucluelet tribe of Indians, and live at the village of Ucluelet, but am now staying at Nahmint, on the Alberni Canal, on the west coast of Vancouver Island.

2. I was on board of the "Boston" (United States) man-of-war at Ucluelet in April of this year. Sechart Jack (Chileta) and a white man came after me and took me out to where she was anchored in the harbour in front of our village. I was asked many questions, and said there were not many seals in the Sound and along the coast this year, but last year (1891) there were plenty. Said the reason was that this year white men had come in and hunted them away with guns, and made them wild. Told that the seals did not haul out and breed in the Sound or on the shore, but that a long time ago the seals used to have their young in the water on this coast. I only know this because my

grandfather told me. He told me that the Indians formerly hunted the seals for their food, but now they hunted them for their skins. White man asked me how long I thought it would be before there would be no skins, and I said that would be impossible; there would always
159 be lots of skins, but they would be harder to get, because the seals were wilder, and did not come in so close to shore since they were hunted by the white man. White man ("Boston" man) asked me if the musket was any good for hunting seals. I said "No." He said, "I think not too." The "Boston" (United States) man asked me if the white men hunting from the schooners with the musket didn't lose two out of five seals he would shoot. I said, "Yes; that is what they tell me."

3. I have not hunted for ten years, as I am too old; do not know how old I am, but I remember when my tribe was very large, and now there are only 300—men, women, and children included. Never hunted with the musket (gun), and never was with any one who did so, and only know what I have been told about it. Have always noticed that some years the seal were more plentiful than others, and some years we would get more, great many more, than others: years that herring were plentiful were the best years for the seal to come in shore.

4. Before I went to talk with the white Tyee (Chief) I was told I would get paid for it, and after I was done talking was paid 2 dollars, and a plug of tobacco was also given me. I think it was the Captain who paid me; he had a blue coat on with brass buttons, and peaked cap. There were six white men there when I was talking, and an old man, not the Captain, asked me the questions.

5. What I have said here has been read over to me and explained to me in my own language by Andrew Laing, an interpreter, and I understand it, and the same is true, and I have not been promised anything, nor have I received anything, in consideration of making this declaration.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WAKE-A-NEN-NISH, his × mark.

Witnesses:
(Signed) WM. OWEN.
A. D. LAING.

Declared before me, at the village of Nahmint, on the west coast of Vancouver Island, this 8th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Cedar-Kanim, or "Peter."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Cedar-Kanim, or "Peter," of the village of Ucleulet, in Barclay Sound, on the west coast of Vancouver Island, do solemnly declare that:

1. I live at the village of Ucleulet, and am a native of the west coast of Vancouver Island, and belong to the Ucleulet tribe of Indians.

2. I have been a seal-hunter all my life since I was able to steer a boat or handle a spear. but have not hunted seals at all for the past three years, as I am getting too old, and let my boy hunt for me.

3. When I hunted I always hunted with a spear, and never with a gun. Have hunted both from the beach and from schooner. The spear

is 2 fathoms and a span long, but is not always the same length, as the stronger the man the longer the spear he can use. I never lost a seal when the spear fastened; would not throw more than two lengths of the spear, and would very seldom miss at that distance, and it always fastens when it hits.

4. In all my sealing I have got about as many males as females; this is along the coast and in the Sound. Have never been to Behring Sea. Not all the cows have pups in them, only the very old ones. Never saw a cow with milk along the coast. Never saw a white-whiskered cow—old cow—along the coast that had not a pup in her.

5. Seals come into Barclay Sound every year, and I have seen them right in here where the boat is anchored, and saw them in here last spring. Some years ago they were very plentiful; years the herring are very plentiful in the Sound and along the coast seals are very plentiful, and come in close to land. Up to the time I gave up hunting three years ago I did not notice that the seals were less in number than six or seven years ago, and I don't think there is any danger of their all being killed off; there will always be skins.

6. What I have here said has been written down and read over to me and explained in my own language, and is true, and I have not been paid anything, nor has anything been promised me, for saying it.

7. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CEDAR-KANIM, his × mark.

Witnesses:
(Signed) GORDON F. GRANT.
A. D. LAING.

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160 I, At-Clappa, or "John," of the village of Ucluelet aforesaid, do solemnly declare:

1. That I am a native of the same tribe as Cedar-Kanim, and live close by him, and have heard what has been here said by him, and it is true, and is what I think. I have killed five old cows with two pups in them.

2. I have not hunted for three years myself, because I have been very unlucky in losing five of my children in the last three years, and felt very down-hearted, and not like hunting.

3. What we have said has been written down and read over to us, and explained to us in our own language, and we understand it, and it is true. Nothing has been paid to me or promised to me for saying what I have said.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) AT-CLAPPA, his × mark.

Witnesses:
(Signed) GORDON F. GRANT.
A. D. LAING.

Declared before me, at the village of Ucluelet, in Barclay Sound, on the west coast of Vancouver Island, this 9th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Atelu.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Atelu, of the Ahousat tribe of Indians, in Clayoquot Sound, British Columbia, do solemnly declare that:

1. I live at the village of Ahousat, in Clayoquot Sound, and am the Chief of the Ahousat tribe of Indians, and am about 25 years of age.

2. Ever since I knew how to work I have been a sealer. I have sealed from the beach and from a schooner, and have used both the spear and gun. From the beach I use a spear, and from a schooner I use spear and gun; the gun is given me by the captain.

3. I have never killed any seal inside Clayoquot Sound—they are always outside the rocks, but I have killed them along the coast outside, all the way up to Behring Sea. I have not hunted from the beach for three or four years, not since the schooners commenced coming here regularly; I prefer going in the schooners because it is not so dangerous, for one year hunting from the beach there were more than forty natives lost in one day, of which number there were three of my tribe. This year I was on the "Sapphire," and got 117 in my canoe, and the total catch of the schooner was 972. Last year, 1891, I was also in the "Sapphire," and my canoe got 317 skins; I cannot tell the whole number got by the schooner; there were fourteen canoes on the schooner each year; I cannot remember how many I got in other years, but think in 1890 I got 192.

4. I do not think there are as many seals now as in 1886 when I first went north. I do not see so many. I mean they are not so plentiful near shore on account of the shooting by the white men; they are further out, and wilder and harder to get at, but I think there are just as many skins.

5. We first go out hunting them about the 1st March, and they are seen off here for about three or four months. Along here the pups are seen first, and when it blows hard they come in very close to the rocks. Years the herring come in very thickly the seal are the most plentiful. I never heard of their hauling out on this coast.

6. I think I get more cows than bulls throughout any season's catch. I know that off this coast we get more cows, but as we get north we get more bulls. I have never seen a large bull on the coast till I get north as far as Sitka. Many of the cows, old cows along the coast, are carrying pups, but I have often killed old white-whiskered cows that have no pups nor milk; I have not got many grey pups this year. In 10 killed, about 5 would be cows; and 3 of these would be large ones carrying pup, and the other 2 would be medium-sized cows; the other 5 would be mostly young bulls. I just guess this, for we are paid by the skin, and we never keep any account of the kinds.

7. Always try to be very careful with both gun and spear, and never use either beyond 3 or 4 fathoms; this is the reason I do not lose many. When two are together I spear one and shoot the other; if one is alone, and I see he is going to wake up, I shoot him, and paddle up quickly and use a spear as a gaff if he is sinking. Am just as certain with the gun as with the spear, and would not lose more than one in ten I would fire at or at which I would throw a spear.

8. I can always tell a cow from a bull in the water, whether it is sleeping or waking, as the female has a white breast, and they always lie so that one can see it.

9. Have sealed in Behring Sea four years, and was last there in 1891. I cannot tell how many skins I got there in each year, but know

that in 1886, my first year there, I got 212 along the coast and in the sea, and in 1891, my last year there, I got 317 along the coast and in the sea; this is perhaps because I am a better sealer now than then. All the old cows I got there had milk. I never got one with a pup in her (there).

161 10. What has been here said by me has been written down and read over to me, and explained to me in my own language, and I understand it, and it is true, and I have not been paid anything, nor has anything been promised me, for saying it.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ATELU, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

I, Ah-nah-yook, of Refuge Cove, on the west coast of Vancouver Island, do solemnly declare that:

1. I am the Chief of the Manuawasset Indian tribe, and live in Refuge Cove, on the west coast of Vancouver Island.

2. I have been sealing all my life along the coast up north, and in Behring Sea.

3. I have been present here while Atelu has told about the seal, and have heard all he has said, and it has been written down and read over and explained to him and me in our own language as what I have said, and I understand it, and what he has said is what I think also; and I have not been paid nor promised anything for saying this.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) AH-NAH-YOOK (or "SWAN"), his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me by Atelu and Ah-nah-yook afore-mentioned, at the village of Ahousat, in Clayoquot Sound, on the west coast of Vancouver Island, this 10th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Qui-an-Ah, or "Punch."

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Qui-an-Ah, or "Punch," of the village of Ahousat, on Clayoquot Sound, in the Province of British Columbia, do solemnly declare:

1. That I am a native of the west coast of Vancouver Island, and live in the village of Ahousat, on Clayoquot Sound, and am a member of the Ahousat tribe of Indians.

2. I am a sealer, and have been so all my life since I was strong enough to throw a spear, and have sealed from the shore in canoes and

also off the coast in schooners off Vancouver Island and all along up north into the Behring Sea. I always go hunting every year for seals since I commenced about eight years ago. I have never seen any seals in Clayoquot Sound, and we do not now hunt from shore, and have not done so for about three years, as the schooners come here very early for us to take us out, and we would rather seal from them. We do not commence sealing here for a month and a-half to two months after they commence at Barclay Sound.

3. The seals seem to be as plentiful now as they were when I first commenced sealing. I use both the spear and the gun, and I like one as well as the other. If the seal is sleeping very soundly I use the spear, but if I see he is waking up I shoot him and then use my spear as a gaff to prevent him from sinking, and I very seldom lose a seal that I shoot at. If I see two seals sleeping on the water, I never use the gun, as the noise of shooting one wakes the other, but I use the spear and get them both. I never shoot if the seal is "breeching," and never shoot nor throw the spear if the seal is more than 5 or 6 fathoms off. I am a very careful hunter, and would not lose 1 in 10 with either spear or gun.

4. I was hunting for three months this year in the schooner "Sapphire," and went as far as Kadiak Island, but only got 36 seals. The schooner's take was 972 for the season. The weather was very rough or we would have done better. There were fourteen canoes on the schooner and two boats, but the boats were not used. I was out in the same schooner last year (1891), but got very few, as an accident happened to the Indian who was in the canoe with me, who was killed, and I then went as a sailor and did not hunt. I cannot remember how many I got any year but this year, but the first year I went to Behring Sea I got 130. I was in the "Grace" that year. It was in 1886, I think. I have been four times in the Behring Sea.

5. Along the coast I have got more cows than bulls, but as I have gone north near the Behring Sea, and in the Sea, I have got more bulls than cows. This has always happened. I have never noticed any difference. I have never noticed any in milk till I got to the Behring Sea. Along the coast I have got a good many cows with pup, and have also got old cows not carrying a pup, but have never got an old bull until I got as far as Sitka. Six of my catch this year were grey pups;
162 they are nearly always males, but two of mine were females.
After I got into Behring Sea I have never got a cow with a pup in her, but plenty with milk, and a good many bulls, young and old. When we first go in we get young bulls, and towards the end of the season we get the large ones.

6. If the seals are sleeping on the water I cannot tell whether they are cows or bulls, but if awake and moving their heads above water I can always tell.

7. I know of no place along the coast where the seals haul out and have their young, nor have I ever seen them on the rocks or beach.

8. Years the herring are plentiful on the coast there are a great many seals, and when scarce the seals are scarce.

9. Two months after Christmas seals are first seen off here—a few at first, but as the weather gets warmer they increase. I cannot tell whether the large or small come first; they come mixed.

10. There are just as many skins now as when I first commenced hunting, but there are so many white hunters and schooners hunting them now with guns that they are getting much wilder and keep farther off shore.

11. What has been here said by me has been written down and read over to me and explained to me in my own language, and I understand it, and it is true, and I have not been paid nor promised anything for saying it.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) QUI-AN-AH, his × mark.

Witnesses:
(Signed) GORDON F. GRANT.
A. D. LAING.

Declared before me at the village of Ahousat, in Clayoquot Sound, on the west coast of Vancouver Island, in the Province of British Columbia, this 10th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Enocto.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Enocto, of the Ahousat tribe of Indians, in Clayoquot Sound, in the Province of British Columbia, do solemnly declare that:

1. I live at the village of Ahousat, in Clayoquot Sound, on the west coast of Vancouver Island, and am one of the Ahousat tribe of Indians.

2. I am a seal-hunter, and have always been one since I have been strong enough; have sealed from the beach and from schooners, and all along the coast into Behring Sea. I have never missed a season since I first hunted; for the last few years, since the schooners have been coming here, I have not hunted from the beach, because I like the schooner better, and it is easier to get on board if the wind comes up.

3. I hunted from the schooner "Sapphire" for the last four years. I have always "headed" the canoe, and do the spearing or shooting, as I use both the gun and spear. I am not a very good shot, and like the spear best. The spear does not make a noise the same as the gun, and does not make the seals wild or wake them up if sleeping. I hardly ever lose one with the spear, and I always use it if I can, but if the seal is waking I use the gun, and am careful with it, and generally get the seal. I use my spear as a gaff after I shoot, and don't remember when I have lost the seal I have hit.

4. This year is the first I have not been in the Behring Sea for sev eral years; we only went as far as Kadiak. I got 60 skins; in 1891 I got 280; in 1890, 110; and in 1889, 140; and cannot remember what I got other years. I think the seals are just as thick now as some years ago, but they are wilder, and do not sleep as they used to, and are harder to get. Some years there are more than others, and years the herring are plentiful along the coast there are more seals.

5. We first see them off this coast from a month and a-half to two months after Christmas, and they stay for about two months and a-half. The small ones come first.

6. I cannot say whether I get more cows than bulls, or bulls than cows, for we are paid by the skin, and never notice what they are; we get quite a few old cows not carrying pups and not having milk; get quite a number of cows carrying pups along the coast, but have got them carrying pup and with milk after passing Kadiak. Never get any

large bulls till I get up to Behring Sea, when I get a good many large ones.

7. The big ones we get along the coast are generally cows, the small ones bulls. The cows have a whiter breast and neck than the bulls.

8. In hunting from the schooners we were paid 2 dollars a skin up to last year, when we were paid 3 dollars; and this year we were promised 4 dollars, but when we returned from sealing were paid off with 3 dollars.

9. What has been here said by me has been written down and read over to me, and explained in my own language, and I understand it, and it is true, and I have not paid anything, nor has anything been promised me, for saying it.

163 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ENOCTO, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

I, Quat-loose, or "Sam;" Fred; Suit-hatchest; Peter; Shooksa, or "Joe;" Keelthlah; John Weiqlha; Yacootlish, or "George;" Mucklemick; Kawannass; and Sheenah, do solemnly declare:

1. That we are natives of the west coast of Vancouver Island, and live at the village of Ahousat, in Clayoquot Sound, in the Province of British Columbia, and are all members of the Ahousat tribe of Indians.

2. We have heard what has been said by Enocto here present about the seals and hunting seals, and it is what we think and know about them.

3. We are all seal-hunters, and use both the spear and the gun, and would just as soon use the one as the other, and are just as sure of getting the seal with one as the other, and scarcely lose any, and no good hunter need lose many. All our tribe use the gun, both young and old, and like it.

4. What we have here said, and what Enocto has said, has been written down and read over and explained to us in our own language, and we understand it, and it is what we think, and we have not been paid anything, nor has anything been promised to us, for saying this.

And we make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) QUAT-LOOSE, his × mark.
FRED, *ditto.*
SUIT-HATCHEST, *ditto.*
PETER, *ditto.*
KAWANNASS, *ditto.*
SHOOKSA, *ditto.*
KEELTHLAH, *ditto.*
JOHN WEIQHLA, *ditto.*
YACOOTLISH, *ditto.*
MUCKLEMICK, *ditto.*
SHEENAH, *ditto.*

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Signed and declared before me at the village of Ahousat, in Clayoquot Sound, on the west coast of Vancouver Island, in the Province of British Columbia, this 11th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of High-eit-Lick-Sheel.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, High-eit-Lick-Sheel, of the Ahousat tribe of Indians, in Clayoquot Sound, in the Province of British Columbia, do solemnly declare that:

1. I live at Ahousat, in Clayoquot Sound, on the west coast of Vancouver Island.

2. Am a seal-hunter, and have been so all my life since I could steer a boat or handle a spear.

3. Seals do not come into this Sound, and we natives prefer sealing from schooners than from the shore.

4. I use both the spear and gun, as do all my tribe, and we like one as well as the other. A good hunter with a gun need not lose any more seals than with a spear. I lose very few with either, as I never shoot or throw a spear when a seal is beyond 3 or 4 fathoms' distance from me. After I shoot I paddle up quickly and spear the seal if I see he is sinking.

5. Seals are more plentiful some years than others, just as with ducks and other birds and fish. Have noticed that when the feed is plentiful the seals are also plentiful, and I do not think they are fewer than seven or eight years ago, though they are wilder from having so many hunting them and using guns.

6. Captains of schooners pay us by the skin. So we have no reason to care whether seals are cows or bulls, or large or small. Some years we get more bulls than cows, and some more cows than bulls. This year I got a good many pups. Sometimes I have got old cows without carrying pups and without having milk.

7. Except the year 1891 I have never missed a season from hunting seals, and now always hunt from a schooner alone. Have been four times into Behring Sea—first in 1886 and last in 1890. I was
164 in the schooners "Grace," "Black Diamond," "Pathfinder," and "Sapphire." I got 96 skins when in the "Grace," and met with an accident, being shot in the arm, and had to stop hunting. I cannot remember what I got on any of the other schooners. This year I got 61 skins. We only went as far as Kadiak.

8. What has been here said by me has been written down and read over to me and explained in my own language, and I understand it, and it is true, and I have not been given anything, nor has any been promised me, for saying what I have said.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) HIGH-EIT-LICK-SHEEL, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Signed and declared before me at the village of San Juan, on the west coast of Vancouver Island, in the Province of British Columbia, this 12th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Charlie Quisto.

DOMINION OF CANADA, *Province of British Columbia, to wit:*

I, Charlie Quisto, of the village of San Juan, on the west coast of Vancouver Island, do solemnly declare that:

1. I am a native of the west coast of Vancouver Island, am a Pachenah Indian, and reside in the village of San Juan, and am the Chief of my tribe.

2. I am a hunter and fisherman, and have hunted seals since I was a boy, from the beach and from schooners. Have hunted from Columbia River to Barclay Sound, and from there to the Behring Sea.

3. Right after Christmas we move from here to Kah-light (or K'Lyde), on the coast where there is a nice beach, and we stay there for a month before we are able to hunt, as the weather is so bad. That is where I saw my first seal, and I have seen them up the Straits as far as Race Rocks, about 3 miles from shore. I hunt from the shore for about two months, and then go north in the schooner.

4. I always use a spear, and prefer it to the gun. Have never been with a white man or other Indian who used a gun, and do not know anything about it, but I don't think it is any good; lots of my people have been hurt with them. When picking one up in a hurry, when seeing a seal, it is liable to go off and hurt or kill the other man in the canoe. All my tribe want to use the spear only, as the gun makes the seal wild. When we are paddling up on a seal some one shoots with a gun and it raises its head and looks round and goes off. I throw the spear from 3 to 5 fathoms, and seldom miss with it.

5. The seals come to this coast just as many as ever, but there are so many white hunters now hunting with the gun that they frighten them right away, and make them wilder and harder to kill.

6. I did not hunt from the shore this year, but went out in the schooner "Fawn," and got 39 skins. The catch for the schooner was 430 with 10 canoes and 1 boat. We went as far north as Kadiak last year (1891); I got 100. We went into the Behring Sea, and the schooner "Borealis" got a little over 1,000, with 12 canoes and 1 boat. I do not remember how many I got other years.

7. Some years seals are more plentiful than others, and years the herring are plentiful the seals are always very plentiful.

8. Taking it altogether, I get about half cows and half bulls—young and old—but never get any of the large bulls till we get north as far as Sitka.

Almost all the large cows have pups in them that we get along the coast, but we get some that have no pups. When in Behring Sea we get cows with milk and no pups; have never got a cow carrying a pup after getting into Behring Sea. It is six years now since the white hunters came to take us north to Behring Sea, but about twenty years since they first came to take us hunting off this coast. In 1886 we got paid 2 dollars a skin, but for the last two years we have got 4 dollars.

9. What has been here said by me has been written down and read over to me, and explained in my own language, and I understand it,

and it is true; and nothing has been paid me, or promised to me, for saying what I have said.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLIE QUISTO, his × mark.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

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165 I, See-ah-Sum, or "Jimmy Crackhorn;" and Wech-Tin, or "August," do solemnly declare:

1. That we are natives of the west coast of Vancouver Island, and belong to the Pachenah tribe of Indians, and live at the village of San Juan.

2. We have heard what has been said by Charlie Quisto, our Chief, about the seals, and it is what we think and believe, and it has been read over and explained to him and us, and we understand it, and nothing has been paid us, or promised to us, for saying what we have said.

And we make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) SEE-AH-SUM, his × mark.
WECH-TIN, *ditto*.

Witnesses:
(Signed) JOHN T. WALBURN.
A. D. LAING.

Declared before me at the village of San Juan, on the west coast of Vancouver Island, in the Province of British Columbia, this 12th day of November, A. D. 1892.

(Signed) A. P. SHERWOOD,
A Commissioner of Police for Canada.

Declaration of Sant-e.

Sant-e, an Indian hunter from Barclay Sound, now on steam-schooner "Mischief," declares:

That he has for about fifteen years been going out as a seal-hunter; went out first on the "Anna Beck" or the "Thornton." Does not think there is quite as many seals now as there were at first, but they are not much scarcer, only thin. Always has hunted with a spear; never loses a seal that is struck.

About six years before the first schooner came to Barclay Sound he sealed from the shore, and has been going out early in the season ever since. Sometimes two men go out in a canoe, sometimes three. The farthest I ever went from shore was about 25 miles. As many seals were got last year as in any previous year by the canoe I hunted with. The first seals were seen about the first week in December. In former years seals were got as late as July, but now never later than June off Barclay Sound. Never heard of seals hauling out near Vancouver Island. More males than females are taken if grey pups are counted, more females if the young ones are not counted. All the females are

not with young; some of them are barren. Seals off Barclay Sound eat salmon, herring, codfish, and squid. Have never seen a young pup swimming.

I hereby certify that the Indian Sant-e was examined by Mr. Macoun in my presence and that of Gus, Douglas, Billy, Peter, Joe, Dan, Charlie, Taylor, and Taylor No. 2, who heard the questions asked him and the answers given, and all are Barclay Sound Indians, and agree that the evidence given by Sant-e has been their own experience, although all have not hunted for the same length of time that he has.

(Signed) WM. PETIT.

The proportion of female seals to males taken this year by the above hunters is as below; figures given by themselves:

Sant-e, 66 seals; nearly all males.
Charlie, 80 seals; more males than females.
Gus, 95 seals; has not taken many females.
Douglas, 73 seals; only 1 female.
Billy, in canoe with Charlie.
Peter, in canoe with Gus.
Joe, 41 seals; not many females.
Taylor, 88 seals; more males than females.
Taylor No. 2 was in canoe with Johnnie, a hunter who is not here; 86 seals were taken; not more than 11 were females.
Tommie, 59 seals; more males than females.

All have seen barren females this year among those taken, but no count was kept of them. None of the above hunters have seen seals of one age or sex travelling together; all are mixed.

I hereby certify that I have heard the questions asked the Indians mentioned above, and the answers given by them, and certify that they were as set down above.

(Signed) WM. PETIT.

PORT ETCHES, *June 17, 1892.*

Declaration of Andrew D. Laing.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Andrew D. Laing, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, master mariner, do solemnly declare:

1. That since 1871 I have been trading with and employing Indians, and fully understand Chinook, the language used between the Whites and Indians all along the Pacific coast.

166 2. That I acted as interpreter for Mr. A. P. Sherwood in obtaining the declarations of the Indians at the places and on the days set out in the Schedule hereto annexed, marked (A).

3. That I truly and to the best of my knowledge and skill interpreted what each and every of the Indians in said Schedule named said, and when all was written down in each and every case I interpreted and explained to the declarant what was so written, and solemnly declare that each and every of the Indians so named respectively fully understood the statements in the declaration so made by him before making or signing the same, and that the signature or mark of each and every such Indian was made in the presence of the person or persons who respectively signed each such declaration as a witness.

4. That each and every of the said declarations were freely and voluntarily made by the several Indians subscribing thereto, and that no threat, inducement, reward, or promise of reward was in any case made or held out to the said Indians in order to obtain the same, but, on the contrary, the Indians were plainly told that nothing would be given or promised to them to make or sign the said declarations.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. D. LAING.

Subscribed and declared by the said Andrew D. Laing before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 5th day of December, A. D. 1892.

[SEAL.] (Signed) FRANCIS B. GREGORY,
A Notary Public in and for the Province of British Columbia.

Schedule (A).

Names of the Indians of the West Coast of Vancouver Island, by whom, places where, and dates when the Declarations interpreted and explained by Andrew D. Laing were made and declared.

Name.	Place.	Date.	Name.	Place.	Date.
Hit-Hitle, or Peter.	Port San Juan.	Nov. 2, 1892.	Nahwyka, or Tom.	Alberni	Nov. 7, 1892.
Kasado, or Tom	"	"	Clap-light-up	"	"
High-eit-lick-sheil	"	Nov. 12, 1892.	Tsawassup, or Joe.	"	"
Charlie Quiste	"	"	Tootush	"	"
See-ah-Sum	"	"	Imihip	"	"
Weech-tin	"	"	Ehenchesut	"	"
So-y-uk	Ohiat	Nov. 4, 1892.	Louis Annetz-a-chell and Annetz-a-chell, or Jack.	Okoolah	Nov. 8, 1892.
Clawannack	"	"			
Thompson	"	"			
Jack	"	"			
Too-tootch	"	"	Wake-a-nen-nish	Nahmint	"
Jimmy	"	"	Charles Hayaks	Alberni	Nov. 5, 1892.
Shoultwick	"	"	Hat-la-Cuntl	Uchulet	Nov. 9, 1892.
Hanaisum	"	"	Leder-Katum	"	"
Clahoute	"	"	At-Clappa	"	"
Clahapisum	"	"	Atelu	Ahouset	Nov. 10, 1892.
Chileta	Alberni	Nov. 5, 1892.	Ah-hayock	"	"
Charles Hayaks	"	"	Qui-an-ah	"	"
Oquaglui, or Charlie	"	"	Enocto	"	Nov. 11, 1892.
Harry	"	"	Quat-loosé	"	"
Charlie	"	"	Fred	"	"
Kach-kach-ah	"	"	Suit-hatchest	"	"
See-Wish	"	"	Peter	"	"
Clat-ka-koi, or Billy	"	"	Kawanness	"	"
Kickiana	"	"	Shooksa	"	"
Keshuqua, or Jack.	"	Nov. 7, 1892.	Keel-thlah	"	"
Clalchu, or Jinks	"	"	John Weighha	"	"
Click-la-hooto	"	"	Yacoottish	"	"
Clots-mick, or Sante	"	"	Mucklemick	"	"
Wahka, or Billy	"	"	Sheenah	"	"

This is the schedule referred to and marked (A) in the declaration of Andrew D. Laing, subscribed and declared before me this 5th day of December, A.D. 1892.

[SEAL.] (Signed) FRANCIS B. GREGORY,
A Notary Public in and for the Province of British Columbia.

167 III.—TESTIMONY ON VARIOUS POINTS RELATING TO SEALS AND SEALING.

Declaration of Thorwal Mathason.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Thorwal Mathason, of the city of Victoria and Province of British Columbia, do solemnly and sincerely declare:

1. That some time last April a man whom I did not know met me on the street and asked if I had been sealing. I told him that I had. He invited me into the Occidental Hotel, where we had a drink together. He then asked me if I wanted to make a couple of dollars, and as I was hard up I said "Yes." He took me to the Driard Hotel. There was a gentleman there who asked me questions. I was asked what percentage of females had been killed the year before when I was out, and I told him about three out of five were females. He did not ask me how many seals were lost by sinking, but if he had I would have told him very few were lost. Last year, out of 243 seals taken by the boat I was in, 5 were lost by sinking, and this year 142 were taken, and 3 were lost by sinking. This is about the usual percentage lost. I was on the "Oscar and Hattie" last year, 1891. The first shot will kill a sleeping seal if the hunter is any good.

2. This year I was again out on the "Oscar and Hattie" in the spring, but we got few seals, as our captain did not understand about when the boats ought to be lowered, or how seals ought to be hunted. I went out late in the season on the "Dora Sieward," leaving Victoria, the 1st May, and we made a poor catch on the way north, as we went out too late. The other hunters told me that they had seen a very great many seals, and I one day saw over 300 seals when we were off Middleton Island; they were travelling to the westward.

3. I know a good many of the men that went to the Driard Hotel last spring to give their evidence, and several of them were men such as are always found around docks and wharves—longshoremen—who not only had never been sealing, but I do not believe they ever saw a seal. They went only for the money they got. Some of the men got only 50 cents for going, but they were men whose evidence was not worth much. I got 50 cents each for all the men I took to the room at the Driard Hotel, and I took a good many there. I did not bother myself as to whether they had been seal-hunting or not, but left that to the man in the room at the Driard Hotel.

4. I am commonly called "Sailor Jack" in Victoria.

5. I have read over the statements written down in this declaration, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) THORWAL MATHASON.

Declared before me at the city of Victoria, this 14th day of October, 1892.

(Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Ernest L. Lorenz.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Ernest L. Lorenz, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That I have been three years out sealing as master and mate.

2. I knew Henry Brown. He was out with me in the "Mascotte" last year as a seaman. I had an Indian crew, and he was never out sealing at all. He was out this year as an able seaman on the "May Belle," a schooner with an Indian crew. He got back from his cruize on the "May Belle" about the middle of April. He is the sort of man we call a "sea lawyer;" he is not a man that is competent to form an intelligent opinion on any matter, he is, I consider, light-headed. He was with me four months, and I had plenty of chance of knowing what kind of man he was. He was a good sailor, but not of much use in other ways. He knew nothing of sealing, and could not sign his name, I believe. Last year nor this year he was not farther north than the north end of Vancouver Island on either the "May Belle" or the "Mascotte." I remember now that he was out four or five times in a boat with the mate, but had little chance of seeing anything of seals. I do not bear him any ill-will, and have told only what I know of him from having been with him.

168 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ERNEST LORENZ.

Subscribed and declared by the said Ernest L. Lorenz before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Richard Hall.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Richard Hall, of the city of Victoria, in the Province of British Columbia, ship-owner, do solemnly declare as follows:

1. I am the managing agent of the owner of the sealing-schooner "Mascotte."

2. I know Henry Brown, who was engaged either by me or the captain to act as an able seaman on that schooner. He is a sailor-man of very ordinary intelligence, not being able to sign his own name.

3. I never heard of him going out in any other capacity than as a sailor; he was not even a boat-steerer or puller.

4. He is not a man whom I consider competent to form an intelligent opinion on any subject.

5. I act as agent for several sealing-schooners, and would not think of engaging him, either as a hunter or boat-puller.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) RICHARD HALL.

Subscribed and declared by the said Richard Hall before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Theodore Magnesen.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Theodore Magnesen, of the city of Victoria, and Province of British Columbia, make oath and say:

That I have been a navigator since I was 19 years old; I am now 34. I have been navigating sealing-schooners for four years, and was master of the "Sea Lion" in 1890. I went to San Francisco for my boats and outfit early in the season, and there I shipped Thomas Brown as boat-puller. We did some sealing on the way up, and got 263 seals for five boats. From the boat Brown was in I got twenty-seven skins. The hunter complained all the time that he was of no use, and I intended to get rid of him the first place I came to, which was Victoria. Besides being no good as a boat-steerer, he was a bad man. He is what we call a "San Francisco bum," and no better evidence of his character can be got than from the police at Victoria. He is a bad drinker, and bad in every way. He knows nothing of sealing, and, besides, has not sufficient judgment to form an opinion of anything. I could not think of a more worthless man to ask to tell anything about seals.

Among my crew when I went south was a man named Arthur Giffin. He made the trip to San Francisco, but deserted when he got to Victoria. He was with me two and a-half or three months. This is his first year as boat-steerer, and he had no experience of sealing. He was a farmer boy, from Virginia, I think.

(Signed) THEO. MAGNESEN.

Sworn before me at Victoria, in the Province of British Columbia, this 5th day of October, A. D. 1892.

[SEAL.] (Signed) THOMAS SHOTBOLT,
Justice of the Peace for the Province of British Columbia.

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169 *Declaration of George McDonald.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, George McDonald, of the City of Victoria, in the Province of British Columbia, and Dominion of Canada, master mariner, do solemnly declare as follows:

1. That I personally know Fred. Smith, who was a hunter on the schooner "Mascotte" last year. I have known him for six years. He was "rivet boy" at the Albion Iron Works in this city until he went out sealing. He is about 18 years old—certainly not over 19.

2. I do not consider him competent to give an opinion on sealing matters, nor would I value his opinion or judgment on any matter.

3. I know very well William Parker, who was one season a hunter on the schooner "Walter L. Rich." I consider him a fair hunter, but I would not take his word, nor do I think anybody who knows him would. I know he was once arrested for vagrancy.

4. Among masters and mates he has a poor reputation, and is not the kind of a man they care to take on a voyage.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEORGE MCDONALD.

Subscribed and declared by the said George McDonald before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of October, 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of Andrew D. Laing.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Andrew D. Laing, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. That I traded on the west coast among the Indians from 1871 to 1881 for Captain Spring. I then left the employ of Spring and built a vessel and hunted fur-seals with Indian crews up to 1887. On the 9th day of July in that year was taken by the United States cutter "Rush" about 49 miles off the nearest land in Behring Sea, was towed into Unalaska, our skins were taken from us, a Quartermaster put on board, and we were ordered to Sitka. The "Rush" towed us out into the Pacific, and we went then to Sitka and delivered the schooner to the Marshal. In 1888 I was out on the "Favourite" as mate on a sealing voyage. In 1889 I was on the "W. P. Sayward," and was in that vessel in 1890. I was out in the "W. P. Sayward" in the spring of 1891, and this year was not out at all.

2. I was examined by Mr. Milne last winter as to my knowledge of seals and their habits, and he took down all that was said to him; and last spring was examined by Major Williams on the same matters. Major Williams did not take down all I said. When what I said did not agree with what he thought, he would either not listen to me, or would argue with me, and then change the subject. One thing I remember was about the number of seals lost by being killed and then sinking. I told Mr. Milne that I had not hunted with white men, but I knew Indians lost very few. I told Major Williams this also, but I do not think he took this down. At the time my evidence was given it was taken down in writing, but I was not asked to sign the paper. The next evening the United States Consul, Mr. Meyers, and Mr. Moss—who was then, I think, Vice-President of the Sealers' Association—came to my house. They asked me to go to the Driard Hotel, and then, what purported to be my evidence, was read over to me. I did not read it myself. Everything that was read was all right and true enough, but some things I had told them were left out. They asked me to sign the paper then, and I did so; it was type-written; no improper means

were used to induce me to give my evidence. A United States Treasury Agent, Mr. Mackey—I am not sure how his name is spelled—met me in the street and asked me if I would go to the Driard and tell Major Williams what I knew about sealing. As I had already given my evidence to Mr. Milne, and wanted both sides to know the truth, I went willingly. I heard that others had received money from Major Williams, and knew that many of the men were not sealers at all—cooks and sailors on vessels, and "longshoremen." Ned Useless, one of these men, told me that he had been given money to give his evidence. He is not a man that could be trusted, and is drunk every chance he gets. I thought it very strange that such a man should be asked to give evidence, when men that knew something about sealing were to be had.

3. I think the seals ought to be protected, especially on the islands, and if there was no killing at sea between the 1st January and 1st July, there would not be the slightest danger of the seals becoming less in number. Last year there were, according to my knowledge, as many seals on the coast as there were before, and in 1890, when I was out the whole season, I saw as many seals as I had seen at any time during the previous eight years I had been out.

170 4. As far as I could see, last spring the American Agent wanted only one-sided evidence, and if I said anything that did not suit him he would not take it down, but would argue with me, and try to convince me that I was wrong.

5. I declare that I have made the above statements voluntarily, and that they are all true; that nothing I said has been omitted, and that no consideration was given me or offered for making the same.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. D. LAING.

Subscribed and declared by the said Andrew D. Laing before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 25th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of John Morris.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, John Morris, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. Some day last spring—the exact date I don't remember—a man came to me and told me that if I would go up to the Driard Hotel and give my evidence to a man there that was getting information about sealing I would be given 2 dollars. There were several sailor-men looking for people to give evidence, but no sealing-men, as far as I know. These men were also paid to entice men up to the room of Major Williams—for that, I believe, was the man's name who was taking the evidence. He did not pay us the money himself, but it was paid in his presence by another man. I was told to send any others I knew there, and that they would be paid for their evidence. One man that gave

evidence was called "Banjo Brown." He had not been out sealing. Another man was called "Sailor Jack." He was a boat-puller, I think. I am called "Bonanza Jack." There must have been forty men altogether, many of them knowing nothing of sealing. They were what we called "longshoremen." I know many men that told me afterwards that they knew nothing of sealing, but had been told the name of a vessel to say they had been on, and were then asked to sign what the man wrote down. They went only for the dollar or so they got.

For my part, I was asked the names of the vessels I had been on, and told him no lies on this or on other matters.

2. I have been out as mate and master, not as a hunter ever. All that I know of sealing is what I could see from the deck of the vessel, and from what the hunters told me.

3. I was five years sealing, and have had a good deal of experience with sealers.

4. There is no getting out of the fact that there are more males taken than females; if any one says that I ever told him that more females were taken than males, he says what is not true. I could not have said that, for if I had I would have told a lie.

5. Each year I have found the seals on the coast about in the same numbers; they are like the salmon, some years there are more than others; but, taking it one year with another, they don't change much, if at all.

6. He (Williams) asked me about these things, but there was nothing else, I think.

7. He (Williams) did not read to me what was taken down by the type-writer, nor did I read it. I was simply asked to sign the papers; 2 dollars were given me and I came away. This was the way every one did. There was a big crowd of men outside his door; there must have been about six men acting as "runners." I went, just through foolishness, to see what was going on, and while there thought it would be no harm to get 2 dollars, as I had nothing but truth to tell. I was doing nothing then. He kept me much longer than most of the others. They wanted me to go back the next day, but I did not go. I saw how foolish it was for a captain to be mixed up with a lot of men such as were there.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN MORRIS.

Subscribed and declared by the said John Morris before me, a Notary Public duly commissioned and residing and practising at the city of Victoria, in the Province of British Columbia, this 27th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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171 *Declaration of Henry Brown.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Henry Brown, of the city of Victoria, in the Province of British Columbia, seaman, do solemnly declare:

1. That I have been in sealing-vessels on the North Pacific Coast and Behring Sea in the years 1890, 1891, and 1892. In 1890 I was a seaman

on the "Minnie." In 1891 a seaman on the "Mascotte." In 1892 I was a seaman on the "May Belle" until the 18th April, when I left her and went to the "Ariel" as boat-steerer.

2. That I never did any sealing myself.

3. That I have never given any statement to any person on sealing matters, either at Victoria or any other place. I am positive that I was not in Victoria in the month of April last, and did not then, or at any other time or place, make any statement to any person about sealing. I don't know anything about the proportion of females to males that hunters get, or where the seals haul out, or where the pups are born. If my name appears signed to any paper containing anything about such matters it was not put there by me, and is a forgery.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) HENRY BROWN, his × mark.

Subscribed and declared by the said Henry Brown before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, the same having been first carefully read over and explained to the said Henry Brown, who thoroughly understood the same, this 29th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Declaration of George C. Gerow.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, George C. Gerow, of city of Victoria, in the Province of British Columbia, seal-hunter, do solemnly declare as follows:

1. That I have known Will. Parker, a seal-hunter, of the city of Victoria, for about seven years.

2. In the year 1889 I was out on the schooner "Ariel" as a hunter.

3. The said Will. Parker was also on board as a hunter.

4. I am considered a good, fair, average hunter, and know a good hunter when I see him work.

5. From what I saw of Parker in the year 1889 I know that he is a poor hunter; frequently when the other hunters came on board with skins in plenty, he would bring in few or none, and every person on board considered him a poor hunter.

6. I know from personal experience that the said Parker is a liar; he has frequently told me certain things that I know were untrue. I would not believe him on oath in any matter where I knew he was interested. He would, in my opinion, give evidence in any way desired for about two drinks of whiskey, and for money he would make any statements. He is well known here as an idle fellow, and I would call him a cheap liar, that is, one who, for a small consideration, would make any statements desired of him.

7. I have no personal enmity against said Parker, and wish him no harm, but know that he is unreliable and untrustworthy as a man.

And I make this solemn declaration conscientiouly believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) G. C. GEROW.

Subscribed and declared by the said G. C. Gerow before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 29th day of October, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Affidavit of J. S. Fanning.

I, J. S. Fanning, of the city of San Francisco, in the State of California, make oath and say:

That when on the "Henry Dennis," a sealing-schooner, this
172 year, I saw a good deal of the steamer "Corwin," and that I was once on board of her, and at that time I saw the hunters that were on that vessel.

There was one white hunter and his crew of two men and a canoe with two Indians. I know the hunter George Brown very well, but have never been out with him. One of the men on the "Henry Dennis" had been out with him on the "Lily L." in 1890. He told me that Brown was not a good hunter, not even a fair average hunter, and I heard the same story from a man named ———, who was with him in 1890. Brown was not out in 1891. We heard on the "Corwin" that he would have the boat lowered when he saw a seal, and after having missed it he would say that he had hit it and that it sank. This is the usual excuse of a poor hunter. He was, I believe paid by the month, not by the skins as in the usual way. He told me himself that he got good pay. I was told when I saw him that he had so far got one skin. I had taken at that time about 130 seals. I was told on the quarter-deck of the "Corwin" that he was a good shot at birds on the wing, but that he didn't have much success with seals.

The Indian hunter was a good hunter. I have been told that he was one of the best, if not the best hunter at Neah Bay. Neither I or any one else in the "Henry Dennis" considered that the work of the "Corwin" was a good test of what is to be done by sealers. I and others on the "Henry Dennis" thought it strange that we were not asked to give evidence.

(Signed) J. S. FANNING.

Subscribed and sworn at the city of Victoria, Province of British Columbia, this 30th day of September, A. D. 1892, the same having been first read over to the deponent in my presence before me.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public by Royal Authority in and for the Province of British Columbia.

Declaration of Charles Peters.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, Charles Peters, of the city of Victoria, in the Province of British Columbia, do solemnly declare as follows:

1. I was mate of the "Mascotte," on a sealing voyage last year.

2. Fred. Smith shipped on the "Mascotte" for that voyage as hunter.

3. The voyage lasted five months. Smith did not get more than twelve skins.

4. He (Smith) was on the "Sea Lion" the year before as a boat-puller.

5. I do not consider him at all competent to form an opinion about sealing; he is simply an overgrown boy.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHAS. PETERS.

Subscribed and declared by the said Charles Peters before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 8th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Deposition of Frederick Crocker.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Frederick Crocker, of San Francisco, being duly sworn, deposes and says:

I am a resident of San Francisco, and have been a seal-hunter for eleven years, and think I know almost all the vessels engaged in the work, and acquainted or know by repute all the men who have any standing as hunters.

I never knew or remember hearing of a sealing-vessel called the "Maggie Ross," and do not believe any such vessel ever did any sealing.

I never heard of any hunters named Peter Collins, William Long, Henry Mason, James Sloan, John Dalton, Richard Dolan, William McIsaac, Patrick Maroney, Miles Nelson, James Kennedy, Charles Challal, Joseph Denis, Andrew Hoffman, James Kean, and William Hensen, and I do not think they can ever have been engaged as seal-hunters. Even among the boat-pullers, I think I know the most of them, and I cannot remember ever hearing the names of the foregoing.

I have not been paid nor promised anything in consideration of making the foregoing statement, which I have found correct after reading.

(Signed) F. J. CROCKER.

Subscribed and sworn to before me, this 1st day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

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173 *Deposition of John A. Belodo.*

STATE OF CALIFORNIA, *City and County of San Francisco.*

John A. Belodo, of San Francisco, being duly sworn, deposes and says:

1. I reside in the city of San Francisco, in the State of California, and am foreman in the manufacturing department of C. D. Ladd, merchant, of said city.

2. C. D. Ladd aforesaid is managing owner of the sealing-vessel "Emma and Louisa," of the port of San Francisco, and was so in the month of July last.

3. Said vessel "Emma and Louisa" returned to this port on or about the 11th day of July last, and on the day following 1,342 skins were delivered from her at the place of business of the afore-mentioned C. D. Ladd in this city.

4. On or about the 13th day of July last, in the forenoon, I was in the basement of the store of said C. D. Ladd, on Kearny Street, in this city, when George B. Barber, book-keeper for C. D. Ladd aforesaid, came down with a gentleman, whom I did not then know, but have since been informed was Charles J. Behlow, one of the partners of the firm of H. Liebes and Co., of this city of San Francisco.

5. Said George B. Barber showed the gentleman who accompanied him, and who, as I have said, I subsequently learned was Charles J. Behlow, the skins that had been delivered the day previous from the said vessel "Emma and Louisa," and which were all lying in one pile on the elevator as they had been delivered, when he (Charles J. Behlow) lifted a few up from the pile, not exceeding five or six, and looked at them, and then went upstairs again with said George B. Barber, and the time they were down there would not be more than five minutes.

6. My occupation requires me to be in the basement near the elevator where the skins were piled all the time, and this occasion I have mentioned is the only time I ever saw the person whom I was informed was Charles J. Behlow on the premises of C. D. Ladd aforesaid.

(Signed) J. A. BELODO.

Subscribed and sworn to before me, this 1st day of December, 1892.

[SEAL.] (Signed) CHARLES A. DUISENBERG,
Notary Public.

Deposition of George B. Barber.

STATE OF CALIFORNIA, *City and County of San Francisco.*

George B. Barber, of San Francisco, being duly sworn, deposes and says:

1. I live in the city of San Francisco, in the State of California. Am a clerk in the employ of C. D. Ladd, merchant, of the city aforesaid, doing business at 529 and 531, Kearny Street, and have charge of and keep his books, and have been continuously in his employ for the past ten years.

2. C. D. Ladd aforesaid is the owner of the sealing-vessel "Emma and Louisa," of this port, and was so in the month of July last past.

3. Said vessel "Emma and Louisia" returned to this city from a sealing voyage on the 11th day of July last, having on board 1,342 skins, and these skins were delivered at the place of business of the afore-mentioned C. D. Ladd on the 12th day of the same month.

4. In the forenoon of the day following, that is, on the 13th July, Charles J. Behlow, of this city, came into the store of the aforesaid C. D. Ladd and asked to see the skins which had been brought from the vessel "Emma and Louisa," and I took him to the basement, where they were all lying in one pile in the elevator. I made no objection to his seeing the skins, as I had been informed that all seal-skins of pelagic catch had to undergo inspection before any disposition could be made of them, and at the same time had been told that the firm of H. Liebes and Co. had been appointed by the Government the Inspectors for that purpose, and I knew the said Charles J. Behlow as a member of the firm of H. Liebes and Co. for many years.

5. On being shown the skins, which, as I before stated, were all in one pile, the said Charles J. Behlow remarked to me that he "had to say he had seen them, for it did not pay to inspect them, as he was only paid 5 dollars a-day for doing it," and on saying this picked up and looked at a few skins, not exceeding five in all, but gave even these no such scrutiny as would be required to determine the sex. The whole time the said Charles J. Behlow was so employed did not exceed five minutes, and he did not again see the skins. Said skins were subsequently shipped to London, England, in two lots, 86 obtained elsewhere being added, making in the two shipments 1,428 skins, 1,269 being in one shipment, and 159 in the next. Said two lots were consigned to the firm of C. M. Lampson and Co., of London aforesaid. About the end of October or beginning of November last advice came from said firm, through their resident agent in New York, one Alfred Fraser, acknowledging receipt of 1,428 skins, and an assortment list was also sent, which is hereto attached, marked (A), accounting for the 1,428 skins, of which the 1,342 skins brought in by the vessel "Emma and Louisa," and subsequently seen by said Charles J. Behlow on the premises of C. D. Ladd afore mentioned, formed part.

(Signed) GEORGE B. BARBER.

Subscribed and sworn to before me, this 1st day of December, 1892.

[SEAL.] (Signed) CHAS. A. C. DUISENBERG,
Notary Public.

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174 Schedule marked (A).

Assortment of Salted Fur-seal Skins.

[N. W. C., part round shaped, mostly well furred and blubbered, rather stale looking.]

				Lbs.	oz.
C ◈ L		2	large wigs	36	0
		2	small wigs	25	8
"Rosarian,"		10	middlings	12	13
c 1/19	1,269	72	middling and smalls	10	14
C ◇ D.		220	smalls	9	10
		232	large pups	8	0
L/		237	middling pups	6	9
"Umbria."		183	small pups	5	8
3*c*	159	85	ex. ditto ditto	4	10
		6	ex. ex. ditto ditto	4	0
		2	middlings, cut, &c	14	0
		19	ditto and smalls, cut, &c	11	0
		49	smalls, ditto	9	7
		73	large pups, ditto	7	6
		88	middling ditto ditto	6	1
		81	smalls ditto (4 wool), cut, &c	5	1
		44	ex. small (9 ditto) ditto	4	4
		11	ex. ex. ditto (9 ditto) ditto	3	3
		5	grey pups	2	11
		7	faulty	5	5
	1,428			1,428	

LONDON, *October 15, 1892.*

(Signed) GEO. B. BARBER

(Signed) C. A. C. D.
DECEMBER 1, 1892.

OFFICE OF ALFRED FRASER, 50, WALL STREET,
New York, October 26, 1892.

DEAR SIR: Inclosed please find particulars of assortment of your salted fur-seal skins, which will be sold on the 24th proximo—not on the 23rd, as previously announced.

Yours very truly,

(Signed) ALFRED FRASER.

C. D. LADD, Esq.,
San Francisco, California.

Deposition of J. S. Worth.

STATE OF CALIFORNIA, *City and County of San Francisco.*

J. S. Worth, being duly sworn, deposes and says:

1. I am a seal hunter, and master of the sealing-schooner "La Niufa," and was so in the sealing season of 1891.

2. I know James Criffin, of this city. He was with me in the "La Niufa" in that year as a boat-steerer. He was not a hunter, and did not kill any seals. I would have known it had he done so. I hired him as a green hand, and he acted as one, and I do not think he was ever out sealing as a hunter.

3. I am familiar with the names of all the sealing-vessels, and I never heard of one called the "Maggie Ross," and I do not believe there is such a vessel engaged in the sealing business.

4. I have not been paid or promised anything in consideration of having made the foregoing statement, which I have read over and found correct.

(Signed) JOHN WORTH.

Subscribed and sworn to before me, this 1st day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of Charles D. Ladd.

STATE OF CALIFORNIA, *City and County of San Francisco.*

Charles D. Ladd, of the city of San Francisco, in the State of California, being duly sworn, deposes and says:

1. I live in the city of San Francisco, in the State of California, am an American subject, and am a merchant, doing business at 529 and 531, Kearny street, in said city.

2. Am managing owner of the sealing-vessel "Emma and Louisa," and have so owned and managed her for the past two years, and this year she was commanded by Captain George Wester.

175 3. I know George B. Barber and John Bilodo, and they are in my employ, and have been for some years.

4. On or about the 11th day of July last my vessel, the "Emma and Louisa" aforesaid, came into this port from a sealing voyage, having on board 1,342 seal-skins. After I had entered her at the Custom-house I was informed by an official there that before they could be landed they had to be inspected by the Government Inspector appointed for that purpose, and on inquiring who the person was, was told that it was the inspector of H. Liebes and Co., or something to that effect.

On the following morning I went to the Custom-house to get a permit to land the skins, and was delayed there for an hour or more awaiting the arrival of the Inspector, who, when he arrived, I recognized as an employé of the said firm of H. Liebes and Co., but whose name I did not know and cannot now remember; have known him as an employé of that firm for several years. He is about 6 feet in height, about 30 years of age. When I first knew him in their employ he was what I would call a head porter, but of late years he has been grading furs for them.

5. Upon the arrival of the individual referred to in the last paragraph at the Custom-house, I took him in my buggy, and we drove down to where the vessel was, and we arrived there somewhere between the hours of 10 and 11 o'clock in the morning, when the Customs officer who was in charge cut the seals that were on the hatches and allowed the skins to be discharged. The time occupied in discharging was from two to two and one-half hours. The skins were thrown out of the hold on to the deck of the vessel; there the Inspector sorted the skins as to sizes, and as soon as there was a pile of from thirty to forty, it was checked off and then removed to the dray for delivery at my store. In order to facilitate the work, I personally helped by handing the skins to the Inspector. He made no examination to determine the sex from which the skins had been taken, but sorted them as is ordinarily done for the purpose of purchase, when it is necessary to arrive at the different sizes and grades.

6. At the conclusion of the inspection I asked him how many grey pups he made out there was, and his reply was that there were thirty-seven. The other grades I did not ask about, as the average of the seals ran well, but I do remember there were four old "wigs," as they were thrown out to one side. This is the only inspection the skins referred to underwent in this city, though I learned from my book-keeper, George B. Barber, that Charles J. Behlow, of the firm of H. Liebes and Co., subsequently came and looked at the pile in my cellar.

7. I know the said Charles J. Behlow. He is a member of the firm of H. Liebes and Co., of this city, and has been so to my knowledge for many years, and he was not the party who inspected the seals on my vessel, the "Emma and Louisa," nor was he present during any portion of the time they were so inspected. The captain of the said vessel, George Wester, before mentioned, was one of those present during the inspection.

8. After the inspection I have referred to, the skins were immediately removed to the basement of my ware-roms on Kearny Street, and were all stored therein not later than thirty minutes past 2 in the afternoon of the same day (the 12th July).

9. I have been constantly dealing in fur-seal skins since the year 1885, and consider it is most difficult, if not impossible, to determine the sex of the animal from which undressed skins in the raw state have been taken, and in my opinion, to arrive at anything like an accurate conclusion, it would take at least two days to examine the number of skins (1,342) which comprised the cargo of the vessel "Emma and Louisa" before mentioned.

10. It is a fact well known in this city that the members of the firm of H. Liebes and Co., of this city, are largely interested financially in the North American Commercial Company, who are the lessees of the Pribyloff Islands.

11. Nothing has been paid me, nor have I been promised anything, for making the statement, which I have read over and find correct.

(Signed) CHARLES D. LADD.

Subscribed and sworn to before me, this 2nd day of December, A.D. 1892.

[SEAL.] (Signed) JOHN COFFEE,
A Notary Public in and for the City and County of San Francisco, State of California.

Deposition of George Wester.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

George Wester, of San Francisco, being duly sworn, deposes and says:

1. I am a resident of San Francisco, and have been so for the past thirteen years, seven of which I have devoted exclusively to sealing.

I was captain of the sealing-vessel "Emma and Louisa" this year, 1892, said vessel being owned and managed by C. D. Ladd, of the city of San Francisco, merchant, and doing business at 529 and 531, Kearny Street, in said city.

2. I arrived back from my sealing voyage on or about the 11th day of July last past, and had on board 1,342 skins. On entering my vessel that day I was told by the Collector of Customs that before landing my cargo my skins would have to be inspected by an expert appointed by the Government for that purpose.

3. On or about the 12th of that month I came on board my vessel about 11 A. M., and found the hatches open and men engaged throwing the skins on deck. I asked the man standing at the hatch
176 by whose authority this was being done. He replied that it was by Mr. Ladd's orders. I noticed a stranger there about 6 feet in height, fair complexion, sandy moustache, and about 30 years of age, but whose name I did not learn, apparently counting and sorting the skins as to sizes. I asked him who he was, to which he replied that he was the expert appointed by the Customs to examine the skins. I then asked him if he was competent to do so, and he replied that he thought so. I again asked him if he could tell a fur-seal skin from a sea-lion skin, whereat he smiled. The examination given was very superficial, attention occupied not exceeding three hours and a-half, no more than was required to count and sort the skins as to sizes. The skins were immediately trucked up to the place of business of C. D. Ladd, on Kearny Street, in this city.

4. Skins that are in the rough and just taken out of the salt require the most critical scrutiny to tell whether they are males or females, and in my opinion it can then be only a matter of guess-work, except in the case of an old bull. In my opinion, it is a matter of impossibility, even with the closest scrutiny, for any expert to say that any skin was the skin of a female that had been large with pup, and from which such pup had been cut.

(Signed) GEORGE WESTER.

Subscribed and sworn to before me, this 1st day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Declaration of Arthur Louis Belyea.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Arthur Louis Belyea, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, barrister-at-law, do solemnly declare:

1. That on the 29th day of November last I went to the Indian village of Neah Bay, in the State of Washington, United States of America, on the Dominion of Canada steamer "Quadra," for the purpose of securing the evidence of the Indians there for use before the Arbitration on the Behring Sea Fur-seal question.

2. That I took with me as an interpreter one Andrew Laing, and immediately upon arrival at Neah Bay I sent Laing on shore to inquire of the Indians whether they were willing to give the evidence. On his return to the "Quadra" he informed me that the Indian Agent there had forbidden the Indians to give any evidence to the British side without his permission, and that the Indians were willing to give evidence if the agent would permit them.

3. That I immediately went on shore and called upon the Indian Agent, one John P. McGlynn. I told him what I wanted. His reply in effect was that the Indians had an idea that the sealing on the coast would be stopped, and would not say anything to me, as it might injure them. I told him I understood that to be one of the objects of the American Government, and if the Indians wished to prevent it they would be acting in their own interest to give me their views. He then said the Indians had already given evidence to the officers of the United States Government for use on the Arbitration, and he did not consider it fair to either the Indians or the United States Government to have them examined by the British. I told him I was willing to take the statements of the Indians in his presence, and he then said he refused under any circumstances to allow the Indians of his Agency to give me any evidence about seals or seal-hunting. He further said that he did not intend to subject the Indians to an examination by the British side, as they might stultify themselves. He said the Indians were easily misunderstood, and quite as easily induced to say things that were not true. Finding it useless to prolong the interview, I left him, and went up to the Indian village.

4. That at the village I had a conversation with one Chestoqua Peterson, who spoke English fluently, and appeared to me to be an intelligent half-breed. He told me that the Indians were under strict orders from the Agent not to talk about seals to any stranger who came there without the permission of the Agent, Mr. McGlynn. He said the Indians were quite willing to state what they knew to me, but that they dare not disobey the Agent.

5. That while I was on shore at Neah Bay as aforesaid an Indian policeman, under orders of the Indian Agent, as I was afterwards informed, and do believe, followed me about for the purpose of preventing any of the Indians talking to me. He followed me into the store where Peterson was, and as soon as he entered said something in a threatening manner and in his own language, and Peterson at once ceased talking to me. I was informed afterwards, and believe, that had I attempted to talk with any of the Indians the policeman would have arrested any such Indian and myself.

6. On my return to the "Quadra" I found on board an old Indian from the village selling baskets and other articles. I directed my

interpreter to ask the Indian his name, age, and occupation. Finding that he had been once on a raiding voyage to Behring Sea in an American schooner, I wrote down what he said as interpreted by the said Andrew Laing, who, after it was all written, explained it to him in Chinook. The Indian fully understood what he signed by his mark.

7. No inducement was held out to the Indian, nor was anything given or promised to him for making the statement he signed. He repeatedly stated that McGlynn had told Peter (the policeman) to tell the Indians that, if they gave evidence to the British, they would be sent to gaol, and that Peter had often so threatened the Indians if they did so.

177 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. L. BELYEA.

Subscribed and declared by the said Arthur Louis Belyea before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 2nd day of December, A. D. 1892.

[SEAL.] (Signed) FRANCIS B. GREGORY,
A Notary Public in and for the Province of British Columbia.

Declaration of Andrew D. Laing.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Andrew D. Laing, of the city of Victoria, in the Province of British Columbia, Dominion of Canada, master mariner, do solemnly declare:

1. That on the 29th day of November last I went on shore from the Government steamer "Quadra" at Neah Bay, near Cape Flattery, for the purpose of ascertaining if the Indians living there were willing to tell what they knew about fur-seals and fur-seal hunting to Mr. Belyea, who was on the "Quadra" taking evidence on the sealing question, and for whom I was interpreter.

2. That I went to a trader's store and saw one Chestoqua Peterson, son of the Chief of the Makah Indians, the tribe living there. Peterson talks good English, and I asked him if the Indians there would give the British side evidence on the sealing question, and told him if they would a gentleman on the "Quadra" would take down what they had to say. He told me the Indian Agent had forbidden the Indians to give evidence to the British, and the best thing I could do was to go on board and tell the gentleman to see the Indian Agent and get his permission to talk with the Indians. He also said that, if the Agent would consent, the Indians were willing to give all the information they could.

3. That I went back to the "Quadra" and told Mr. Belyea what Peterson said. Mr. Belyea at once went on shore and saw the Indian Agent, one John P. McGlynn. I went with him, and was present and heard all that passed between him and the Agent, except for a few minutes at the close of their conversation. I have read what Mr. Belyea says took place then, and it is true. I remember distinctly the Agent telling Mr. Belyea that he would not allow the Indians under any circumstances to give evidence to the English. This was in reply to an offer of Mr. Belyea to take the evidence in the Agent's presence.

4. That we went from the Agent's office to the village, and into the store where Chestoqua Peterson was. Mr. Belyea began talking to Peterson, and asked him, if the Agent had given permission, whether the Indians would give evidence. Peterson replied that he thought the most of them would, but they were afraid of the Agent. He also said that Indians believed that the English wanted to stop the coast sealing. A few minutes after we went into the store an Indian policeman and three other Indians came hurriedly into the store. Peterson at once ceased talking to Mr. Belyea, and we left.

5. That when we got back to the "Quadra" an Indian was on board selling baskets and other Indian articles. At Mr. Belyea's request, I began to talk with him in Chinook, which he understood perfectly. After talking awhile with him I reported what he said to Mr. Belyea, who told me to ask the Indian if he was willing to have taken down in writing what he had told me, and sign it. The Indian said he was, and we then went to the chart-room, where I interpreted what the Indian then said to Mr. Belyea, who wrote it down. After it was all written, I explained fully in Chinook to the Indian, who called himself General Jackson, what was written, and he clearly understood everything before he made his mark. Mr. Belyea and William Owens, first officer of the "Quadra," who understands Chinook, were present when the statement was read over and explained to the Indian, and he made his mark to it in the presence of all of us, I and Owens signing it as witnesses.

6. That I knew the American schooner "Signet" mentioned by the Indian in question, and was personally acquainted with Captain Kimberly, her owner and master. He came to this coast sealing about 1872, and followed it until, I think, 1876, when the "Signet" was lost, and he and all the crew perished.

7. That it was a notorious fact—known among all sealing men at that time—that the "Signet" went into Behring Sea every summer and raided the islands. I remember the time distinctly Boscowitz bought the catch of the "Signet" from Kimberly at Neah Bay. It was in 1874 or 1875, I am not certain which, but at the time it was generally known among sealing men that the catch had come off the Pribyloff Islands by raiding.

8. That the first time I was at Neah Bay was in 1866. There were four or five times as many Indians there then as now. I began trading with the Indians for furs on the west coast of Vancouver Island at Barclay Sound in 1871. At that time the hunters in a tribe of 400 or 500 Indians, all told, would get 500 or 700 skins in a season. Now the same number of hunters get from 1,000 to 2,000 skins in a season. The seals are just as plentiful as ever on the coast, but most years keep a little farther off shore, coming in close only when the fish they live on run in close. The reason the Neah Bay tribe don't get as many seals as formerly is because there are so many less hunters to catch them.

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And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) A. D. LAING.

Subscribed and declared before me, the Undersigned, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 3rd day of December, A. D. 1892.

[SEAL.] (Signed) FRANCIS B. GREGORY,
A Notary Public in and for the Province of British Columbia.

Declaration of General Jackson.

ON BOARD CANADIAN GOVERNMENT STEAM-SHIP "QUADRA,"
At Neah Bay, State of Washington, United States of America.

I, General Jackson, of Neah Bay, in the county of Clallam, in the State of Washington, United States of America, do solemnly declare:

1. That I am a Makah Indian, and live at Neah Bay. I am more than 50 years old. I was never out sealing in canoes.

2. That I was up in Behring Sea one year in the Boston (American) schooner "Signet," Captain Kimberly. We went ashore twice on the Seal Islands—I don't know the name of the island. There was no cutter there then. We got "hiyou" (great many) seals. We got thousands—don't know how many thousands. We went ashore in the daytime soon as we got our breakfast. Did not see any policemen there. We got to Alaska about the middle of June, and on the 4th July we went ashore on the island. I got back to Neah Bay when the Indians were digging new potatoes. Boscowitz had station at Neah Bay then. Kimberly sold seal-skins to Boscowitz. Mr. Landes and another man were in the Boscowitz store then. Was never in Behring Sea afterwards.

3. That a Boston "Tyhee" (Headman) last spring took Peter, the Indian policeman here, and Peter got the rest of the Indians here to give evidence. I did not give any. John McGlynn is the Indian Agent here. The Indian policeman here—Peter—told the other Indians here that if they told the King George (British) men anything about seals they would be put in gaol. He told them that when the "Boston" (United States) man-of-war was here taking the Indians' evidence. Peter is always telling them that. Peter has often told me that McGlynn knows Peter tells the Indians this. McGlynn makes him do it—they are just the same as one.

4. That there are nothing like so many Indians here now as there used to be. When I was young there was 8,000, now there are only 900 here—Ohsett, Quinelth, and Waachset.

5. Very few Indians here go out sealing now like there used to be. Great many seals here now. Indians go off Cape Flattery in canoes about 4 miles to catch them. One man gets 80 seals in season, another man 70, some 40, some as many as 100. They get as many now as they used to—it was always like that.

6. That all what is written down here has been read over and explained to me in Chinook, which I understand. I know what is written here, and it is all true. I am afraid Peter will put me in gaol for coming here.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GENERAL JACKSON, his × mark.

Witnesses:
(Signed) A. D LAING.
WM. OWEN.

Subscribed and declared by the said General Jackson, the same having been first read over and fully explained to him in the Chinook tongue, and he fully understanding the same, before me, a Notary Public duly commissioned in and for the Province of British Columbia, on board the said Canadian Government steamer "Quadra," at Neah Bay, this 29th day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
Notary Public.

Deposition of George Wester.

STATE OF CALIFORNIA, *City and County of San Francisco.*

George Wester, being duly sworn, deposes and says:

1. I am an American subject, and a resident of San Francisco. Have been engaged in seal-hunting for the past seven years.

179 2. This year (1892) I was captain of the "Emma and Louisa," and reached this port on or about the 11th July, with 1,342 skins on board, which was the season's catch for the said vessel.

On the 12th July, or next day after our arrival, I went on board the vessel in order to discharge my skins, when I found the hatches up, and a stranger engaged in sorting the skins out, which were being thrown up from below. I asked the man at the hatch by whose authority this was being done; he replied by Mr. Ladd's. I then asked the stranger what he was doing, and he answered he was inspecting the skins, and was appointed by the Customs to do so.

3. I asked him if he was an expert, and he said he was. I then asked him if he knew the difference between a sea-lion's skin and that of a fur-seal. He made no reply, but smiled contemptuously.

4. The inspection commenced about 11 A. M., and was finished before 2.30 P. M. of the same day, and was that usually made by a prospective purchaser, for he appeared to throw them into piles according to sizes, feeling the fur and glancing at the inside of the skin for the evident purpose of seeing whether any were "punky."

5. The said vessel "Emma and Louisa" is owned and managed by C. D. Ladd, merchant, of this city, who was present at the inspection referred to, and remained during the whole time it lasted superintending and assisting in the work.

6. I do not know the party referred to who inspected the skins, but would describe him as from 30 to 35 years of age, 5 ft. 10 in. or 5 ft. 11 in. in height, fair complexion, and light moustache.

7. In my experience of seven yesrs' seal-hunting I have handled a large number of skins, and I consider it impossible for any expert to determine with any degree of accuracy the sex of the seal from which the skins have been taken (except in the case of an old "wig") after they have lain for any time in salt, and altogether impossible to distinguish those of the females which have been carrying pup at time of death, as the skins shrink to their ordinary size.

8. I have not been paid or promised anything for making the foregoing statement, which I have read over and found correct.

(Signed) GEO. WESTER.

Subscribed and sworn to before me, this 8th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of George B. Barber.

STATE OF CALIFORNIA, *City and County of San Francisco.*

George B. Barber, of the city of San Francisco, being duly sworn, deposes and says:

1. I reside in San Francisco, and am book-keeper for C. D. Ladd, merchant, of said city, doing business at Nos. 529 and 531, on Kearny Street.

2. Said C. D. Ladd is engaged in the sealing business as owner and manager of the vessels "Emma and Louisa" and "Lily L."

3. Previous to the departure of the vessel "Emma and Louisa" this year (1892) I measured the ammunition that was supplied to her for the use of the seal-hunters, and charged her for the same in a book kept for the purpose, and on her return I measured up and credited her in the same book what she had left over and returned.

4. On calculating what was used, I found that the amount did not reach quite four shots for each skin that comprised her cargo on return; this allowed for all ammunition used in practice, hunting game, signaling, and other purposes.

5. Nothing has been paid or promised me for making this statement, which I have read over and found correct.

(Signed) GEO. B. BARBER.

Subscribed and sworn to before me, this 9th day of December, A. D. 1892.

[SEAL.] (Signed) JOHN COFFEE,
Notary Public in and for the City and County of San Francisco, State of California.

[NOTE.—Affidavits of Frank W. Adams, p. 94, and Jim Narwassan, p. 140, belong here.]

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180 *Statement by August Tychson.*

August Tychson, seal-hunter, of Victoria, British Columbia, makes the following statement:

On or about the 22nd day of April, 1892, a gentleman met me in Victoria, British Columbia, and asked me to go to the Driard Hotel, View Street, Victoria, British Columbia, and give evidence before Major Williams, said to be acting for the United States Government, on sealing and seal life.

I went to the Driard Hotel, saw Major Williams. He asked me several leading questions, to which I replied.

Major Williams asked me, "New ('green') hunters destroy about 80 per cent. of the seals they shot at?"

I answered, "I do not believe they do; in fact I do not know how many seals any hunter destroys; so far as I am personally concerned, I never destroyed 1 per cent. of the seals I shot at."

From the way Major Williams used the word "destroyed," I understood it to mean that to "destroy" a seal was to wound it so that the seal would escape from the hunter and die afterwards.

Major Williams wrote a number of questions and answers, and requested me to sign them. The answers not being correct and in accordance with facts, I positively refused to sign them. I have been out sealing seven seasons, and have closely studied seals and their habits. I have not seen many wounded seals. When I hit a seal I nearly always get the seal. On the average not over 2 per cent. of the seals shot get away after being shot. Seals are not decreasing in the Pacific Ocean and Behring Sea. I saw more seals last year (1891) than any former year since I have been sealing.

In 1886 when sealing I opened a female seal and removed the pup out of the female seal. The pup lived, and I believe that under ordi-

nary circumstances any pup seal, when pupped, will live without care from the mother seal.

(Signed) AUGUST TYCHSON.

Sworn to at Victoria, British Columbia, this 6th day of May, 1892.

(Signed) E. P. MARVIN, *J. P.*

Statement by James Robert Jamieson.

James Robert Jamieson, sealer, of Victoria, British Columbia, makes the following statement:

A young man, a stranger to me, met me on or about the 20th April, 1892, and told me that Major Williams, Representative of the United States Government, was at the Driard Hotel, View Street, Victoria, and that he (Major Williams) wanted sealers to go to the Driard and tell what they knew about sealing.

I went to the Driard Hotel, and met the gentleman called Major Williams, who questioned me about sealing.

Major Williams asked me the following questions, to which I gave the following replies as near as I can remember:

"How many schooners had you been in?"

I told him I had been in the "Mary Taylor," "Mountain Chief," "Adele," "Teresa," "Molly Adams" (now called "E. B. Marvin"), "Mascotte," "Venture," and "Minnie."

"What was the catch of each schooner?"

I told him "Mary Taylor," about 800 seals; "Mountain Chief," about 70 seals; "Adele," about 800; "Teresa, about 400; "Molly Adams" (now the "E. B. Marvin"), about 2,000; "Venture," about 675; "Minnie," about 5; "Mascotte," about 4, during the time I was aboard of them. And Major Williams asked me several other questions, and gave me 2 dollars for my evidence.

I consider I have had as much experience as most sealers out of this port. I have studied the habits of seals closely during the six seasons I have been sealing. I do not believe the seals are decreasing. I think the average hunter would miss one-third the seals shot at. I never saw seals on the way to Behring Sea that had given birth to young. Not over one in forty of the females caught on the coast *en route* to Behring Sea were with pup inside, or accompanied by pup. The Indians use spears, and white hunters use shot-guns and rifles to kill the seals. Not over one seal in twenty escapes after being shot by the hunter.

During the time I have been sealing I have always seen three or four seals caught in Behring Sea to one caught on the coast. In all the time I have been sealing I never knew the sealers to go within 15 miles of the land after seals.

(Signed) JAMES ROBERT JAMIESON.

Sworn to at Victoria, British Columbia, by the said James Robert Jamieson, this 29th April, 1892.

(Signed) E. B. MARVIN, *J. P.*

181 *Statement by Alfred Dearden.*

Alfred Dearden, porter, of Victoria, British Columbia, being sworn, makes the following statement, viz:

That on or about the 20th April, 1892, George Dillon, of Victoria, met me and told me he would like me to go to the Driard Hotel, View Street, Victoria, and see Major Williams, who was collecting evidence regarding sealing for the United States Government, and tell Major Williams what I knew about sealing, and George Dillon also told me I would get something from Major Williams for my trouble. I went to the Driard Hotel on or about the 20th April, and was questioned by the gentleman called Major Williams.

Major Williams asked me:

Q. Have you been out sealing?—A. I have.

Q. What schooner were you aboard of?—A. The "Mollie Adams;" her name was afterwards changed to the "E. B. Marvin."

Q. What did you ship as?—A. As boat-puller, but during the voyage I acted as ship-keeper or deck-hand.

Q. How many skins did the "E. B. Marvin" have before reaching Behring Sea?—A. Over 900.

Q. What Pass did you go through in entering Behring Sea?—A. Ounamack Pass.

Q. When did you leave Victoria for, and when did you return from, Behring Sea?—A. Left the 27th April, 1890, returned September 1890.

Q. How many seals did the "E. B. Marvin" get?—A. 2,159.

Those were about all the questions Major Williams asked me so far as I can remember. I consider I know as much about sealing as any of the sealers out of this port. I studied the habits of sealers closely while on my sealing voyage. I consider half the seals caught by the schooner "E. B. Marvin" during the time I was aboard of her were female seals, and a large portion of those female seals were barren. Major Williams' clerk or Secretary gave me 2 dollars for the replies I gave to questions asked me by the Major at the Driard Hotel. I did not read the evidence which I signed for Major Williams at the Driard Hotel.

I have read the above, and conscientiously believe the same to be true.

(Signed) ALFRED DEARDEN, his × mark.

Witness to signature:
(Signed) W. R. BROWN.

Sworn to at Victoria, British Columbia, before me, this 20th day of April, 1892.

(Signed) E. B. MARVIN, *J. P.*

Affidavit of Edward Eustace.

Edward Eustace makes oath, and says:

On Thursday last I was stopped in the street by a man whose name I don't know, who told me that if I went up and gave evidence about the sealing business I would get 2 dollars. He asked me to meet him at the corner of Johnson Street, at 2 o'clock that afternoon. I did so, and he took me up to the Driard Hotel. He did not tell me whom he was taking me to see. I was taken into a room before a gentleman who asked me to give him all the information I could about sealing. I

did so, and he told me to return the next day at 10 o'clock and sign it. I did go the next day, when a person met me at the door of the hotel and postponed me until the following day, when the same person whom I had met on the previous day told me that they did not like my evidence. I asked for the pay I had been promised, which he would not give, but offered me half-a-dollar, which I would not accept. I told him he ought to pay me for my time and he said: "You don't do much here anyway." He did not ask me to sign my evidence, as he said it was no use to them. He asked me whether there were more male than female seals killed, and I told him, to the best of my judgment, most males. He asked me if we went near the Pribyloff Islands, and I said no, we never sighted land after we got into the sea. He asked if the Indians used guns. I said sometimes. He asked me if the Indians lost many seals by spearing them. I said no, I thought not. My experience of sealing is one season in Behring Sea in 1890, and one season on the coast of Vancouver Island about ten years ago. I did not at the time study the habits of seals closely.

(Signed) E. EUSTACE.

Sworn at Victoria, British Columbia, this 28th day of April, 1892, before me.

(Signed) E. B. MARVIN, *J. P.*

Affidavit of William Albert Short.

William Albert Short makes oath and says:

I am a painter, and reside in Victoria, British Columbia. In 1890 I was out sealing in the schooner "Maggie Mac." I was a boat-puller. I never made it my business to study the habits of seals closely, but did so as much as any other sealer. On or about the 20th of this month a man whom I know by sight about town, but do not know his name, called at my shop and said that there was a man at the Driard who wanted to get information about sealing. He did not say who
182 the man was, and I did not know. I went there, and a gentleman, who, I was told afterwards, was Major Williams, asked me questions about the sealing business. He asked me whether we got most male or female seals. I told him that in some places we got most males and in others most females. He asked in what portions of Behring Sea we caught seals, and how far from land. He named certain places along the coast, and I told him whether we had or not been there. The man who told me to go there informed me that I would get 2 dollars for going, and he was to have 50 cents for each person he brought in to give evidence. When I had finished my evidence I signed it, and was paid 2 dollars. I was not asked to swear to it.

(Signed) W. A. SHORT.

Sworn to before me at Victoria, British Columbia, this 28th day of April, 1892.

(Signed) E. B. MARVIN, *J. P.*

Declaration of Adolph Ridderbjelke.

CITY OF VICTORIA, *British Columbia, to wit,*

I, Adolph Ridderbjelke, of the city of New Whatcom, in the State of Washington, do solemnly declare and say:

1. That on the 11th or 12th day of November, 1891, I entered the Behring Sea through the False Pass, or Issanacks Straits, as it is sometimes called, and set course for St. George Island, and having been compelled to heave-to on account of contrary winds, did not reach the vicinity of the island until the afternoon of the 16th. At about 3 o'clock in that afternoon we were close enough to the island to have been seen from it had a look-out been kept—the afternoon was bright and clear. We were close enough to see the outline of the bay on the south side of the island. We passed the island and returned between midnight and 1 o'clock on the morning of the 17th, close enough to sight North-East Point, and kept on towards the Island. When more than a mile away from the island a boat was lowered. It returned to the schooner about half-an-hour afterwards. The boat was sent out to see that all was well, and returned with the report that they had seen nothing. I then lowered all our boats (three) at 1·15; ten men went ashore. They remained ashore until nearly 7 o'clock; it was then daylight. After the boats left, I steamed in so close to the shore that I could see the rocks on the bottom. Frequent attempts were made to get the seals on board, but the swell was so heavy that there was great trouble with the boats, and only thirty-seven seals were got on board. I could see the guard-house plainly, but no one appeared, though a tremendous noise was made. The men were continually calling out and shouting; all the vessels' lights were lit during the whole time. No lights were taken ashore, as the night was clear, the moon shining during the early part of the evening. We then steamed round to Garden Cove, where the vessel was anchored. At about 3 o'clock in the afternoon the people on the island seemed to have awoke, for two men were seen walking on the hill behind Garden Cove. We were about a mile from shore at the time. I at once got up the anchor and steamed away. I went to Makushin then, and afterwards to Unalaska. I started for Macushin again after having been several days at Unalaska, but on account of heavy weather had to return to the latter place. While there the first time my papers were sealed up, and I was ordered by the Custom-house officer to proceed to Sitka. From one or more of my men the Deputy Marshal learned where we had been, and after we had been in Unalaska several days he took charge of the vessel. We were kept there until the steamer "Elsie" arrived from Sitka, about the 15th April. We were then taken to Sitka, reaching there the 28th April, I think. While at Sitka, Captain Lavender, whom I was told was an Agent of the American Government, examined me as to my belief as to what would be the best means by which the seals might be protected. I told him that, from my knowledge of the matter, I thought that to protect the seals properly there should be years when no seals should be taken, either on the islands or at sea. He took down my evidence and asked me to swear to it, which I did. I know that he also examined some of my men; none of them were good hunters, as they lacked experience.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ADOLPH RIDDERBJELKE.

Taken and declared before me at the city of Victoria, this 29th day of September, 1892.

[SEAL.] (Signed) D. M. EBERTS,
A Notary Public in and for the Province of British Columbia and a Commissioner for taking affidavits to be used in the Supreme Court of British Columbia.

Declaration of John Kraft.

DOMINION OF CANADA,
Province of British Columbia, City of Victoria,

I, John Kraft, of the city of Victoria, make oath and say:

That I have been sealing eight years—three as a hunter—one year on the "Adele," and two years on the "Vancouver Belle." Three years ago I got 213 seals, but did not count those that sank; there were very few.

183 I did not seal on the coast last year, but went straight to Behring Sea; we were soon ordered away, and I got only 28 seals. I did not lose one. This year I got 219, and not more than 4 or 5 were killed by me that sank. When seals are badly wounded, severely enough to die afterwards, we generally get them—nearly always. I saw more seals on the coast this year than ever before, and that is what the other hunters say too.

I have seen seals in schools both south along the Washington coast and north on Fairweather Grounds. They are harder to get when in schools. I went over to Copper Island side this year; saw no difference in the seals there, unless it is that they are a little darker.

It is hard to tell how many males I get and how many females, as I never kept count, but I think about half are females; cows with young in them are more on the look-out than others, and all seals on the coast were wilder than I saw them before, and on the Copper Island side they were not so wild. I account for this by the fact that seals are more hunted on this side.

I have seen males and females cohabiting in the water. I have seen seals with shot in them, and believe even with shot in they will live all night.

I was last year on the "Borealis," and we were over on the Copper Island side, and landed there in November—at least we tried to land, but the weather was too bad. We then came over to the Pribyloff Islands, and tried to land on St. George, but did not succeed. We then went to the southwest side of St. Paul Island, and landed there. We got 400 skins; we saw no one ashore, but saw a cutter while we were anchored under a high bluff. It was about 2 miles off, anchored near the village. We went right into the bay there, though we saw the cutter, for we were bound to get seals. We anchored about 10 o'clock, and lowered boats and went ashore. We left about 4 o'clock in the morning. We clubbed the seals, and brought them on board without skinning them. We got away without being seen, and were out of sight of the island before daylight. We then came straight home.

Two years ago this coming winter we raided the same rookery in the "Adele," and got 400; we saw neither cutter nor people; we anchored about 9 o'clock, and went away about six o'clock in the morning. No one saw us. We then came back; 400 is a fair night's work. The seals are easily got; we drive them to the edge of the water, and kill them

there; the tide and canoes wash the blood away then. I do not think the United States Government has the right to allow a Company to kill all the seals, and I and my companions, since we have been prevented from taking seals in Behring Sea, thought it was not wrong to take them ashore. Among the seals we got were three or four with shot in them; there was nothing the matter with them.

The above statements are all true, and I have read them over carefully. No consideration was given me for having made them.

(Signed) JOHN KRAFT.

Sworn to before me at Victoria, this 5th day of October, 1892.

[SEAL.] (Signed) THOMAS SHOTBOLT, *J. P.*

Deposition of S. L. Beckwith.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

S. L. Beckwith, of San Francisco, being duly sworn, deposes and says:

1. I live in San Francisco, and came here in 1848, and have lived on the coast ever since. Am aged 72 years, and follow boat-building. Was a hunter for about eight years, both for sea-otter and fur-seal.

2. I was mate on the vessel "Alexander," belonging to Hermann Liebes, of which Captain Carlson was master. In 1880, or thereabouts, I went up in her to Behring Sea, and was one of those who went ashore from her on Otter Island—one of the Pribyloff group—for the purpose of making a raid, and got over 300 skins. I do not remember how many exactly, but all we could find—all there were there. At that time the lease of the islands was held by the Alaska Commercial Company of San Francisco. In the same year, and on the same voyage, I went ashore and raided Copper Island, and got about 100 seals, and we would have got a great many more, for we had about 1,200 killed, when we were fired upon. A Japanese vessel was there the day before raiding, and several of the raiders were shot. The Alaska Commercial Company were the lessees of the island at that time.

3. I have hunted otter on the Japanese coast, but did not do any seal-hunting there. I remember that there was a seal rookery on Ketoy Island, one of the Kurile group—that was about 1873 or 1874. I have been there since, and they are all destroyed.

4. I never heard of a sealing-vessel named the "Maggie Ross," and I do not believe there ever was one, nor did I ever hear of the "Charles D. Wilson."

5. I have not been paid anything, nor has anything been promised me, in consideration of making the foregoing statement, which I have read over and found correct.

(Signed) S. L. BECKWITH.

Subscribed and sworn to before me this 26th day of November, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

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184 *Declaration of John Coles.*

I, John Coles, of the city of Victoria, make oath and say:

1. That I sailed from this place on the sealing-schooner "Mascotte" on the 25th June last on a voyage to Behring Sea. On the 24th Octo-

ber I was transferred to the schooner "Challenge," an American vessel registered at Sea-home or Whatcom, Washington. We entered Behring Sea about the 10th November, the object being to raid the rookeries on St. George Island. We landed on the north-east rookery on that island about 1 A. M. We found the seals in great numbers; they were so thick that they tumbled down the cliffs and killed one another. The night was clear and bright, although there was a heavy sea raging. I don't know whether there was any one on guard or not, but I didn't see any one, and we were not interferred with. Had the sea been calm we would have got from 750 to 1,000 seals. As it was, we had to leave most of those we killed, and get on board our vessel and steam away. The "Challenge" is a small steam-schooner of 37 tons. We saw some seals while crossing Behring Sea, and others again on the 20th November at Makushin Bay. We spent the day after the raid in Garden Cove, but at 5 P. M. we saw a man on shore, and made off. The vessel was seized in January at Ounalaska, and on the 18th April we were sent to Sitka, reaching there on the 28th April.

2. That while we were in gaol at Sitka, we were sent for to give evidence before a gentleman who was taking evidence for the United States Government—Captain Lavender, I think his name was. I did not go. The other men, when they returned, were laughing at the stories they had told—"fairy tales" they called them. He seemed anxious to prove that not more than one seal out of fifteen shot is secured, and asked them if this were not the case. There were no regular seal-hunters among the men, and if they had all told the truth they could not have given information of much value.

(Signed) JOHN COLES.

Sworn before me, at the city of Victoria, in the Province of British Columbia, this 2nd day of June, 1892.

(Signed) A. R. MILNE, *Collector of Customs.*

VICTORIA, B. C., *June 2, 1892.*

Declaration of Robert Hope.

I, Robert Hope, of the city of Victoria, sailor, make oath and say:

That in the year 1891 I went on a sealing voyage in the schooner "Mascotte." I was engaged as boat-steerer when on her until the 24th October, when I engaged as hunter on the "Challenge."

As steerer, I could see the seals plainly when they were shot, and the boat I was in lost only one in the entire season.

We took more cows than bulls, I think, but no record was kept.

The boat went up to from 10 to 30 feet of a sleeping seal before it was shot at. I kept no record of things when on the schooner, and can tell no more than this.

I was one of those who took part in the raid on St. George Island last November. We went close in to the shore with our steam schooner, and the boats were then sent ashore. There were a great many seals there, and had the sea been smooth, so that the seals could have been taken to the vessel, we could have killed 700 or 800. The sea grew so rough that we had to hurry away, leaving about 100 there besides those we took. We did not see any watchman on shore, and we were not interferred with by any one. We went around to Garden Cove for shelter, intending to return to the rookeries the next night; but about

5 o'clock in the afternoon we saw one man on shore, and we steamed away. We spent some weeks among the Aleutian Islands, and were in January seized by the Custom-house officer at Unalaska, and in April were sent down to Sitka, where we were sentenced to one month in gaol.

While there we were sent for by an Agent of the United States Government—Captain Lavender, I think his name was. He asked me how far seals were away when shot at, and I told him just what I have said above.

I told him too that we lost only one seal during the season in our boat. He asked also if rifles were not better than shot-guns, but I told him no.

I told him also that if a seal is not too badly wounded to be caught, that there is no danger of them dying afterwards. If a seal is badly wounded we are surer of getting it than if it is killed at once.

Most of those examined had never been sealing before.

(Signed) ROBERT HOPE, his × mark.

Sworn before me at the city of Victoria, in the Province of British Columbia, this 3rd day of June, 1892.

(Signed) A. R. MILNE.

VICTORIA, *June 3, 1892.*

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185 *Declaration of Robert John Horton.*

DOMINION OF CANADA,
Province of British Columbia, City of Victoria.

I, Robert John Horton, of the city of Victoria, in the Province of British Columbia, furrier, do solemnly declare:

1. That I have been in the employment of the Hudson's Bay Company at Victoria for the last thirty-two years.

2. That since 1886 I have had the charge of the purchasing and packing of furs of all kinds for the Company, and since 1871 had full charge of the fur department.

3. That every year I have handled fur-seal skins brought in by Indians from the west coast and from points as far north as Wrangel, in Alaska. In some years—especially between 1870 and 1875—I bought quantities from sealing-schooners caught on the west coast of Vancouver Island.

4. That I have never seen the seals before skinning, and I cannot tell the skin of a male from that of a female for that reason. I think it almost impossible for any one to do so, especially when the skins are about the same average size. Of course, old bulls and grey pups can be distinguished from the others, but the sex of a grey pup cannot be told from the skin.

5. That for the last eight or ten years, since the schooners began sealing, the average size of the seal-skins I have bought has been larger than in former years, and of better quality.

6. That the fur-seal skins taken from Queen Charlotte Island northward, both along the coast and in Behring Sea, are of better quality than those of the west coast. The finest quality of seal-skins we get come from the coast about the north of Queen Charlotte's Island and Fort Simpson, in British Columbia.

7. That all the seals belong to the same herd, and the difference in the fur is due to the season, quantity and quality of food, and temperature of the water.

8. That the whiskers of a seal when young are black and short, but when the seal arrives at maturity, whether male or female, the colour of the whiskers changes to grey or white. The sex of the mature seal cannot be told by the colour or length of its whiskers.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) R. J. HORTON.

Subscribed and declared by the said R. J. Horton before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, British Columbia, this 23rd day of November, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

Deposition of Archibald Cook Sutherland.

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Archibald Cook Sutherland, of Oakland, in Alameda County, in the State of California, being duly sworn, deposes and says:

1. I, to-day, the 8th December, A. D. 1892, went to the store of Liebes and Co., and in one of the private offices of that firm met Mr. C. J. Behlow, one of the firm, and he is not the party who made the inspection of the seal-skins of the "Sophia Sutherland," referred to in paragraph No. 4 of my deposition of the 6th of this month, which is annexed hereto.

2. The firm of Liebes and Co. are furriers in this city, and their place of business is on Post Street in this city, and that is where I saw Mr. C. J. Behlow to-day.

3. Mr. Behlow referred to acknowledged that he did not inspect the skins of the said vessel, the "Sophia Sutherland," this year, but said he had done so two years ago, and I now remember that he did so, for on that occasion I had offered my skins to the firm of Liebes and Co. for sale.

4. Said Mr. Behlow further informed me that the party who made the inspection referred to in my affidavit hereto annexed, marked (A), dated the 6th December, 1892, was one Price, a man in the employ of the said firm of Liebes and Co.

5. Nothing has been paid to me or promised to me in consideration of my making the foregoing statement, which I have read over and found correct.

(Signed) A. C. SUTHERLAND.

Subscribed and sworn to before me, this 8th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

(A.)

STATE OF CALIFORNIA, *City and County of San Francisco, s.s.*

Archibald Cook Sutherland, of Oakland, in Alameda County, in the State of California, being duly sworn, deposes and says:

1. I am a resident of the city of Oakland, in the State of California, and am master and owner of the sealing-schooner "Sophia Sutherland."

186 2. I sealed this year (1892) on the Japanese coast, and returned to the port of San Francisco on the 6th day of August, and on the following day entered at the Custom-house.

3. Several days afterwards I went to the Custom-house to clear, so that I might discharge my cargo, when I was there informed that I must have my skins inspected before I could do so, as the Government had appointed a man for that purpose. I had had my skins all baled up, and was much annoyed at the idea of having to open them.

4. In the evening of the day I speak of a man came on board of my vessel, and said he was the Inspector appointed by the Government for the purpose of examining the seal-skins coming into the port of San Francisco, and produced a letter or something of that sort, which I did not look at, but asked him his name, when he said Pelow, or Below,—I cannot say which. I refused at first to allow it, afterwards consented that he could come on the following morning and proceed with the work. This he did, and the inspection lasted several hours. I cannot say how long, but he proceeded in the same manner that a buyer does, and just as I would were I about to purchase.

5. I had 1,603 skins, and they had lain a long time in the salt.

6. In the state my skins were in it was, in my opinion, impossible for any one to say to what sex they had belonged, unless in the case of old "wigs" (old bulls).

7. The person who inspected them was about 35 years of age, 5 ft. 10 in. in height, sandy complexion and light moustache only, his face being what I would call a Scandinavian one.

8. After he had completed his inspection and gone away, I wished to ask him something about what he thought of them, and asked one of the Customs officials where I would find him, and was told that his office was at Liebes' store.

9. I have been in the sealing business for the past five or six years, and am 69 years of age, and am an American subject. During the years I have been in the sealing business, in addition to hunting them, I have purchased large quantities for shipment to the London market, and I consider I am a good judge of seal-skins, for I have made it a study.

10. The Inspector who conducted the examination I have referred to informed me at the conclusion of said inspection that I had somewhere between 40 and 50 grey pups—I cannot recall the exact number—and that my skins were in perfect order.

11. This was the only inspection to which my skins were subjected in San Francisco, and they were continuously in my possession till I shipped them to London, England, for sale, through Alfred Fraser, representative in New York of Lampson and Co.

12. There was only one person present at the inspection, and that one was the person whom I have before described in paragraph No. 7.

13. I have not been paid anything, nor have I been promised anything, in consideration of making the foregoing statement, which I have read over and have found correct.

(Signed) A. C. SUTHERLAND.

Subscribed and sworn to before me, this 6th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

Deposition of William Bendt.

STATE OF CALIFORNIA, *City and County of San Francisco.*

William Bendt, of San Francisco, being duly sworn, deposes and says:

1. I reside in San Francisco, and am by occupation a boarding-house and saloon keeper. Live on Clay Street, near East Street.

2. Have been engaged in managing and fitting out sealing-vessels for the past ten years, and am now the owner and manager of the schooner "Bowhead."

3. Have never been out seal-hunting myself, and personally know nothing whatever about the loss through sinkage of seals that are shot, nor have I any knowledge personally as to whether the seals are decreasing, or where they are caught.

4. This year I sent my vessel, the "Bowhead," to the Japanese coast, and she returned on or about the 16th August, and within twenty-four hours after her arrival back in port I sold her cargo of seal-skins, numbering 1,830 to the firm of Liebes and Co., of this city, who do business as merchant furriers on Post Street, in this city.

5. The cargo was immediately removed to their place of business without any inspection whatever having taken place on board said vessel the "Bowhead." The skins were taken from the hold of the vessel, and immediately piled on drays and removed to the warehouse of said firm of Liebes and Co., and no person was present for the purpose of inspecting them during such removal, as I was there and would have seen any one had it been done, but I was told afterwards that the lot had only 30 pups in the whole 1,830 skins.

6. I think that, in order to protect the seals, a close season should be established, and perhaps it would be well to close the Behring Sea altogether; but should this be done, killing should be prohibited at the rookeries on the islands, and any close season should apply to those islands.

(Signed) W. BENDT.

Subscribed and sworn to before me, this 8th day of December, 1892.

[SEAL.] (Signed) LINCOLN SONNTAG, *Notary Public.*

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322, WASHINGTON STREET,
San Francisco, December 7, 1892.

DEAR SIR: We have examined the records in the Custom-house, and find that the schooner "Alexander" was owned from 1879 to 1891 by Herman Liebes, as sole owner.

That she cleared from this port on the 16th February, 1880, in charge of G. W. Littlejohn, as master, and returned to this port from Yokohama on the 8th November, 1883, in charge of A. F. Carlson, as master.

The schooner "Otter" was documented on the 21st March, 1881, with the following ownership viz.: H. Liebes, one-third; Charles J. Behlow, one-third; and G. W. Littlejohn, one-third; and G. W. Littlejohn appears as master.*

Yours truly,

(Signed) GARDNER AND THORNLEY,
Ship and Custom-house Brokers.

To C. D. LADD, Esq.,
529, Kearney Street, City.

* Littlejohn was lost in "Otter" in 1888.

IV. LOGS OF SEALING VESSELS.

(1.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Charles Campbell, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was master of and kept a log of the sealing-schooner "Umbrina" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed, marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHARLES CAMPBELL.

Subscribed and declared by the said Charles Campbell before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 9th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

(A.)

Catch of Seal-skins on board British Schooner "Umbrina," 1892.

Date.	Latitude.	Longitude.	Remarks.	Daily Catch.	Total.
1892.	° ′	° ′			
February 4....	48 10 N.	125 30 W.	.....	5	.....
" 6....	47 55 N.	125 30 W.	.....	6	11
" 7....	47 45 N.	125 30 W.	.....	2	13
" 11....	46 35 N.	124 40 W.	.....	14	27
" 13....	46 15 N.	124 45 W.	.....	3	30
" 14....	46 18 N.	124 40 W.	.....	3	33
" 15....	46 00 N.	124 30 W.	.....	6	39
" 16....	46 30 N.	124 30 W.	.....	22	61
" 17....	46 30 N.	124 25 W.	Killed from schooner.....	2	63
" 18....	46 45 N.	124 30 W.	Had boats out forenoon only.....	11	74
" 19....	46 20 N.	124 30 W.	.....	2	76
" 22....	46 55 N.	124 40 W.	Had boats out afternoon only.....	3	79
" 24....	46 50 N.	124 35 W.	.....	24	103
" 25....	46 48 N.	124 30 W.	.....	10	113
" 26....	46 45 N.	124 40 W.	Had boats out forenoon only.....	2	115
March 1....	48 05 N.	125 30 W.	.....	7	122
" 2....	48 06 N.	126 03 W.	.....	21	143
" 15....	48 30 N.	127 05 W.	.....	8	151
" 16....	48 30 N.	127 05 W.	Killed from schooner.....	1	152
" 17....	49 22 N.	127 45 W.	Ditto	1	153
" 19....	49 28 N.	128 12 W.	.....	11	164
" 21....	49 34 N.	127 55 W.	.....	9	173
" 22....	49 50 N.	128 55 W.	Killed from schooner.....	1	174
" 23....	50 02 N.	129 25 W.	Boats out forenoon only.....	4	178
" 25....	49 29 N.	128 13 W.	Ditto	2	180
" 27....	50 30 N.	129 34 W.	.....	4	184
" 29....	50 50 N.	129 40 W.	.....	27	211
Mar. 30....	50 50 N.	129 45 W.	.....	10	221
188 April 1....	51 18 N.	130 40 W.	.....	38	259
" 6....	50 40 N.	130 05 W.	.....	14	273

Catch of Seal-skins on board British Schooner "Umbrina," 1892—Continued.

Date.	Latitude.	Longitude.	Remarks.	Daily Catch.	Total.
1892.	° ′	° ′			
April 7....	50 43 N.	129 33 W.	Boats out forenoon only	2	275
" 16....	52 15 N.	132 22 W.	Boats out afternoon only	6	281
" 17....	52 27 N.	132 42 W.		15	296
May 4....	57 10 N.	136 33 W.	Killed from schooner	1	297
" 5....	57 40 N.	137 00 W.	Small bulls	36	333
" 6....	57 50 N.	137 10 W.	Ditto	49	382
" 7....	57 50 N.	137 10 W.	Ditto	21	403
" 10....	59 20 N.	142 30 W.	Killed from schooner	2	405
" 11....	59 30 N.	142 40 W.	Boats out forenoon only	6	411
" 13....	59 30 N.	144 10 W.		11	422
" 14....	59 30 N.	145 40 W.	Boats out afternoon only	11	433
" 15....	59 20 N.	145 40 W.	Boats out forenoon only	23	456
" 16....	59 18 N.	145 35 W.		19	475
" 18....	59 15 N.	145 35 W.	Small bulls and cows mixed	98	573
" 21....	59 10 N.	148 00 W.	Killed from schooner	1	574
" 22....	59 05 N.	147 10 W.		22	596
" 27....	59 00 N.	146 50 W.	Small and medium sized seal	109	705
" 28....	59 05 N.	147 10 W.		13	718
" 29....	58 55 N.	146 55 W.	Large and small seal	49	767
" 30....	58 50 N.	147 20 W.	Ditto	46	813
June 3....	58 55 N.	148 00 W.		6	819
" 4....	58 55 N.	148 40 W.		3	822
" 6....	57 25 N.	150 10 W.	Killed from ship	1	823
" 8....	57 00 N.	152 00 W.		24	847
" 15....	57 30 N.	150 50 W.		2	819
" 16....	57 50 N.	151 15 W.	Killed from ship	1	850
July 5....	50 33 N.	170 45 W.	Killed from schooner	1	851
" 9....	50 40 N.	177 15 W.	Ditto	1	852
" 13....	50 40 N.	177 00 E.	Ditto	1	853
" 20....	53 50 N.	167 30 E.	Ditto	2	855
" 22....	53 50 N.	167 30 E.	Ditto	1	856
" 23....	53 40 N.	167 10 E.	Ditto	1	857
" 24....	53 40 N.	166 40 E.	Boats out all day	17	874
" 25....	53 50 N.	167 00 E.		12	886
" 26....	53 40 N.	166 30 E.		65	951
" 27....	53 30 N.	166 25 E.		68	1,019
" 28....	53 40 N.	166 50 E.		27	1,046
August 1....	53 30 N.	166 50 E.		3	1,049
" 2....	53 40 N.	166 55 E.		10	1,059
" 3....	53 34 N.	166 40 E.		8	1,097
" 4....	53 40 N.	165 30 E.		65	1,132
" 5....	53 45 N.	165 10 E.		72	1,204
" 6....	53 55 N.	165 10 E.		56	1,260
" 7....	54 10 N.	165 30 E.		10	1,270
" 10....	53 40 N.	166 30 E.	Killed from schooner	1	1,071
" 11....	53 47 N.	166 40 E.		5	1,276
" 12....	53 40 N.	166 50 E.	Killed from schooner	1	1,277
" 16....	53 55 N.	167 00 E.		8	1,285
" 17....	55 55 N.	166 50 E.		21	1,306
" 18....	53 30 N.	166 45 E.		25	1,331
" 19....	53 40 N.	166 40 E.	Killed from schooner	1	1,332
" 21....	53 35 N.	166 35 E.		15	1,347
" 22....	53 35 N.	166 45 E.		55	1,402
" 23....	53 50 N.	166 35 E.	Killed from schooner	2	1,404
" 24....	54 00 N.	166 35 E.		62	1,466
" 25....	53 50 N.	166 30 E.	Killed from schooner	1	1,467
" 26....	54 00 N.	166 35 E.	Ditto	1	1,468
" 30....	53 35 N.	166 30 E.	Ditto	2	1,470
" 31....	53 30 N.	166 40 E.	Ditto	3	1,473
			Total for season		1,473

Above certified to be correct.

(Signed) CHARLES CAMPBELL,
Master British Schooner "Umbrina."

This is the Return marked (A) referred to in the declaration of Charles Campbell, hereto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

189 (2.)

CANADA, *Province of British Columbia, City of Victoria.*

I, John Graham Cox, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am the agent of the owners, and have the custody of the log-books of the sealing-schooner "W. P. Hall" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed, marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) J. G. Cox.

Subscribed and declared by the said John Graham Cox before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 9th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "W. P. Hall" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
June 1	5	56 50 N.	137 10 W.	
" 2	2	57 50 N.	138 20 W.	
" 4	1	58 10 N.	139 03 W.	
" 7	8	58 50 N.	139 30 W.	
" 8	10	59 20 N.	140 00 W.	
" 9	5	59 30 N.	141 02 W.	
" 10	4	59 35 N.	141 25 W.	
" 11	5	59 40 N.	141 35 W.	
" 12	7	59 35 N.	141 45 W.	
" 13	3	59 30 N.	141 55 W.	
July 21	6	54 25 N.	170 00 E.	
" 24	5	54 35 N.	169 10 E.	
" 27	59	54 30 N.	168 50 E.	
August 2	19	54 20 N.	168 40 E.	
" 3	15	54 03 N.	168 55 E.	
" 4	40	53 35 N.	168 40 E.	
" 5	49	53 30 N.	169 00 E.	
" 6	36	54 05 N.	168 30 E.	
" 8	20	54 35 N.	168 55 E.	
" 9	40	54 25 N.	169 00 E.	
" 10	10	54 05 N.	168 35 E.	
" 11	27	54 10 N.	168 55 E.	
" 21	8	53 00 N.	169 55 E.	
" 22	30	52 55 N.	169 00 E.	
" 27	2	52 20 N.	168 30 E.	
				416

This is the Return marked (A) referred to in the declaration hereunto annexed.
(Signed) A. L. BELYEA, *Notary Public.*

(3.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Robert E. McKiel, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was the master of and kept the log-books of the sealing-schooner "Maud S." for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed, marked (A), with the original entries
190 in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ROBT. E. MCKIEL.

Subscribed and declared by the said Robert E. McKiel before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Maud S." on her Sealing Voyage for the Season 1892.

Date.		Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
	1892.				
February	4	7	Cape Flattery N. N. E. mag. dist. 65 miles		7
"	6	6	Same position		13
"	7	6	Ditto		19
"	8	2	Ditto		21
"	11	11	Cape Disappointment E. mag. dist. 47 miles		32
"	15	7	Cape Flattery N. mag. dist. 35 miles		39
"	16	20	Cape Flattery E. mag. dist. 30 miles		59
"	17	7	Same position		66
"	18	11	Ditto.		77
"	19	1	Ditto.		78
"	23	1	Cape Cook, Vancouver Island, N. E. mag. dist. 15 miles		79
"	25	1	50° 28′ N.	130° 46′ W.	80
"	26	2	50 50 N.	130 59 W.	82
March	1	1	Keeper's Inlet, Queen Charlotte Island, N. E. dist. 38 miles		83
"	2	3	Same position		86
"	8	3	51 27 N.	133 46 W.	89
"	11	8	49 47 N.	127 55 W.	97
"	14	13	Cape Cook, Vancouver Island, N. dist. 40 miles		110
"	15	61	49 30 N.	128 10 W.	171
"	16	3	Same position		174
"	19	11	49 38 N.	128 16 N.	185
April	14	6	Keeper's Inlet, Queen Charlotte Island, N. E. by N. mag. dist. 40 miles		191
"	16	4	52 20 N.	133 51 W.	195
"	22	61	57 08 N.	138 05 W.	256
"	23	2	57 02 N.	137 38 W.	258

Return showing the Dates on which Seals were taken, etc.—Continued.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
April 26	2	57 00 N.	137 41 W.	260
" 27	17	57 07 N.	138 22 W.	277
" 28	6	57 02 N.	138 30 W.	
" 29	16	57 21 N.	136 43 W.	
" 30	20	57 24 N.	137 56 W.	
May 1	15	57 01 N.	138 43 W.	
" 2	36	57 34 N.	138 43 W.	
" 3	17	58 00 N.	138 15 W.	
" 4	33	58 12 N.	138 49 W.	
" 5	31	58 14 N.	138 54 W.	
" 6	14	58 13 N.	139 11 W.	
" 7	6	58 35 N.	140 00 W.	
" 8	33	58 55 N.	140 40 W.	
" 9	2	58 49 N.	140 58 W.	
" 10	18	58 25 N.	141 03 W.	
" 11	15	58 35 N.	140 54 W.	
" 13	65	58 09 N.	139 30 W.	
" 14	69	58 18 N.	140 14 W.	
" 15	30	58 30 N.	140 15 W.	
" 17	4	58 18 N.	141 14 W.	
" 19	7	59 23 N.	142 48 W.	
" 21	2	59 29 N.	143 57 W.	
" 26	4	59 11 N.	143 13 W.	
" 27	120	59 09 N.	143 00 W.	
" 28	18	59 26 N.	143 05 W.	
" 29	18	59 34 N.	142 45 W.	
" 30	66	59 24 N.	143 10 W.	
" 31	4	59 03 N.	143 29 W.	
June 3	5	59 19 N.	145 08 W.	
" 7	3	58 42 N.	146 59 W.	
" 10	1	57 07 N.	150 42 W.	
June 11	3	57 08 N.	150 30 W.	
191 " 13	1	Maimot Island W. by N. mag. dist. 25 miles		
" 29	2	50 28 N.	165 00 W.	
July 1	1	48 02 N.	169 45 W.	
" 14	11	53 10 N.	166 10 E.	
" 15	10	53 33 N.	166 55 E.	
" 21	10	53 33 N.	165 29 E.	
" 22	12	53 12 N.	165 46 E.	
" 23	7	52 49 N.	167 22 E.	
" 26	1	53 24 N.	166 36 E.	
" 27	57	53 24 N.	168 04 E.	
" 28	99	53 21 N.	168 08 E.	
" 28	14	53 33 N.	168 09 E.	
August 2	3	54 10 N.	167 11 E.	
" 3	8	53 55 N.	166 45 E.	
" 4	12	53 50 N.	166 59 E.	
" 5	40	53 44 N.	167 04 E.	
" 6	41	53 35 N.	166 01 E.	
" 7	71	53 33 N.	165 51 E.	
" 8	3	53 35 N.	165 49 E.	
" 10	24	54 11 N.	167 00 E.	
" 11	12	53 04 N.	166 40 E.	
" 13	5	53 53 N.	165 14 E.	
" 14	2	54 43 N.	164 58 E.	
" 17	15	56 48 N.	166 15 E.	
" 18	8	56 35 N.	167 25 E.	
" 19	2	55 39 N.	167 57 E.	
" 21	1	53 48 N.	169 10 E.	
" 22	7	53 22 N.	168 02 E.	
" 23	114	52 51 N.	167 45 E.	
" 25	16	52 46 N.	167 35 E.	
" 26	16	52 44 N.	167 58 E.	
" 27	7	52 55 N.	167 34 E.	
" 31	31	52 52 N.	167 38 E.	
September 4	12	53 15 N.	167 26 E.	
" 5	30	53 14 N.	167 38 E.	
" 6	1	53 01 N.	167 08 E.	
" 7	34	53 06 N.	167 08 E.	
" 10	9	52 31 N.	167 19 E.	

(Signed) ROBT. E. MCKEIL.

This is the Return marked (A) referred to in the declaration of Robt. E. McKiel, hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(4.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Melville F. Cutlen, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was the master of and have the custody of the log of the sealing-schooner "Agnes McDonald" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) M. F. CUTLEN.

Subscribed and declared by the said Melville F. Cutlen before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 15th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

192 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Agnes McDonald" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
April 18	18	48 28 N.	126 34 W.	18
" 19	43	48 37 N.	126 22 W.	61
" 21	1	48 53 N.	126 42 W.	62
" 22	7	49 02 N.	127 13 W.	69
" 26	7	49 31 N.	127 53 W.	76
" 27	5	49 52 N.	128 44 W.	81
" 30	4	50 43 N.	129 49 W.	85
May 2	3	51 25 N.	132 11 W.	88
" 4	1	54 10 N.	134 52 W.	89
" 5	15	54 43 N.	134 14 W.	104
" 6	18	54 47 N.	134 05 W.	122
" 7	25	56 05 N.	135 53 W.	147
" 8	11	57 39 N.	138 37 W.	158
" 10	8	57 47 N.	138 00 W.	166
" 13	53	58 07 N.	138 16 W.	219
" 14	46	58 17 N.	138 07 W.	265
" 15	20	58 20 N.	138 16 W.	285
" 18	1	58 26 N.	138 14 W.	286
" 25	13	58 23 N.	139 06 W.	299
" 26	23	58 30 N.	138 26 W.	322
" 27	66	58 37 N.	138 45 W.	388
" 28	6	58 40 N.	140 48 W.	394
" 29	70	59 22 N.	141 34 W.	464
" 30	61	59 20 N.	141 39 W.	525
June 1	18	59 33 N.	142 05 W.	543
" 7	5	59 32 N.	143 14 W.	548
" 8	20	59 14 N.	144 40 W.	568
" 9	6	58 38 N.	146 25 W.	574
" 11	6	59 09 N.	146 56 W.	580
" 15	10	59 18 N.	147 51 W.	590
July 26	18	52 38 N.	168 02 E.	608
" 27	97	52 48 N.	168 08 E.	705
" 28	26	52 49 N.	168 00 E.	731
August 1	12	53 30 N.	167 35 E.	743
" 2	54	53 52 N.	167 05 E.	797
" 3	17	53 49 N.	167 02 E.	814
" 4	24	54 03 N.	166 17 E.	838
" 5	6	54 07 N.	165 05 E.	844
" 6	4	54 18 N.	165 45 E.	848
" 7	4	54 05 N.	166 35 E.	852
" 9	5	54 07 N.	167 15 E.	857
" 10	3	54 02 N.	167 42 E.	860
" 11	11	53 42 N.	165 37 E.	871
" 17	11	53 43 N.	168 02 E.	882
" 18	18	53 12 N.	165 25 E.	900
" 20	3	53 05 N.	166 10 E.	903
" 21	8	52 45 N.	166 58 E.	911
" 22	52	53 20 N.	167 42 E.	963
" 25	1	52 28 N.	166 44 E.	964

(Signed) M. F. CUTLEN, *Master.*

This is the Return marked (A) referred to in the declaration of Melville F. Cutlen, hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(5.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Abel Douglass, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I am the managing owner of and have the custody of the log-books of the sealing-schooner "Arietis" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in

the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

193 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ABEL DOUGLASS.

Subscribed and declared by the said Abel Douglass before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 11th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Arietis" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
May 17	28	58 00 N.	143 00 W.	28
" 26	30	58 30 N.	146 30 W.	58
" 27	61	58 00 N.	146 30 W.	119
" 28	62	58 30 N.	146 00 W.	181
" 29	53	58 30 N.	146 45 W.	234
" 30	93	58 15 N.	147 00 W.	327
June 2	5	58 30 N.	146 30 W.	332
" 3	10	58 15 N.	146 15 W.	342
" 5	14	58 45 N.	149 30 W.	356
" 6	19	58 30 N.	150 30 W.	375
" 7	4	58 00 N.	151 00 W.	379
" 8	17	57 45 N.	150 45 W.	396
" 12	15	58 05 N.	150 30 W.	411
" 24	4	55 00 N.	156 30 W.	415
" 27	10	55 05 N.	157 30 W.	425
" 29	33	55 00 N.	157 00 W.	458
" 30	16	55 00 N.	157 45 W.	474
July 4	5	53 00 N.	163 00 W.	479
" 21	1	54 08 N.	169 00 E.	480
" 22	25	53 48 N.	169 30 E.	505
" 25	21	53 30 N.	169 00 E.	526
" 26	16	53 00 N.	168 45 E.	542
" 27	160	53 20 N.	169 00 E.	702
" 28	17	54 00 N.	168 45 E.	719
" 29	1	54 00 N.	168 55 E.	720
" 31	5	54 10 N.	168 30 E.	725
August 1	3	54 00 N.	169 00 E.	728
" 2	5	53 45 N.	168 45 E.	733
" 3	13	53 40 N.	168 30 E.	746
" 4	118	53 20 N.	168 15 E.	864
" 5	154	53 20 N.	168 20 E.	1,038
" 7	16	53 40 N.	168 45 E.	1,054
" 8	3	54 00 N.	168 00 E.	1,057
" 9	4	54 00 N.	168 30 E.	1,061
" 10	3	53 45 N.	168 00 E.	1,064
" 18	14	53 00 N.	169 00 E.	1,078
" 22	25	52 30 N.	167 40 E.	1,103
" 24	40	53 00 N.	168 00 E.	1,143
" 29	6	53 00 N.	169 00 E.	1,149

(Signed) ABEL DOUGLASS.

This is the Return marked (A) referred to in the declaration of Abel Douglass, hereto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(6.)

CANADA, *Province of British Columbia, City of Victoria.*

I, August Jörgenson Bjerne, of the city of Vancouver, in the Province of British Columbia, do solemnly declare:

1. That I have been master and have kept the log on and during the voyage of the sealing-schooner "Beatrice" (Vancouver), for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude" in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the 194 year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) AUGUST JÖRGENSEN BJERNE.

Subscribed and declared by the said August Jörgensen Bjerne before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 22nd day of November, A. D. 1892.

[SEAL.] (Signed) J. M. WHITEHEAD,
A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Beatrice" (Vancouver) on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
January 9	1	48 00 N.	125 50 W.	
" 11	4	46 36 N.	125 45 W.	
" 18	2	42 48 N.	125 15 W.	
" 20	5	43 04 N.	125 00 W.	
" 22	10	42 53 N.	125 53 W.	22
February 19	14	47 36 N.	126 11 W.	
" 22	11	48 12 N.	126 00 W.	
" 23	5	48 07 N.	126 40 W.	
" 24	1	48 01 N.	125 55 W.	
" 26	3	46 38 N.	125 32 W.	
" 29	1	47 02 N.	124 59 W.	57
March 1	5	46 37 N.	124 27 W.	
" 2	3	46 14 N.	124 30 W.	
" 3	6	46 15 N.	125 19 W.	
" 8	2	48 14 N.	125 24 W.	
" 9	1	48 05 N.	125 40 W.	
" 10	5	48 28 N.	125 43 W.	
" 11	2	48 30 N.	125 20 W.	
" 12	2	48 22 N.	125 44 W.	
" 15	10	48 30 N.	125 20 W.	
" 16	2	48 35 N.	127 07 W.	
" 19	3	48 49 N.	127 00 W.	
" 24	1	49 07 N.	127 33 W.	
" 25	3	48 37 N.	126 32 W.	
" 27	5	50 12 N.	128 00 W.	
" 30	3	50 17 N.	128 40 W.	110
April 2	17	50 29 N.	128 45 W.	
" 3	7	50 20 N.	128 28 W.	
" 6	4	49 58 N.	129 25 W.	

Return showing the Dates on which Seals were taken, etc.—Continued.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
April 9	1	50 30 N.	128 58 W.	
" 11	3	48 20 N.	127 00 W.	
" 16	11	49 01 N.	127 12 W.	
" 18	27	48 25 N.	127 10 W.	
" 19	16	48 27 N.	127 00 W.	
" 25	4	49 38 N.	129 48 W.	
" 26	29	49 35 N.	129 30 W.	
" 27	18	49 54 N.	128 52 W.	249
May 1	2	52 28 N.	133 52 W.	
" 5	1	54 07 N.	134 30 W.	
" 6	12	54 30 N.	135 07 W.	
" 7	8	55 10 N.	134 50 W.	
" 8	7	56 10 N.	135 30 W.	
" 10	13	56 43 N.	136 81 W.	
" 11	8	56 56 N.	136 20 W.	
" 13	65	56 49 N.	137 33 W.	
" 14	51	56 45 N.	137 21 W.	
" 15	11	57 07 N.	137 50 W.	
" 17	4	57 25 N.	138 35 W.	
" 25	33	59 34 N.	142 58 W.	
" 26	35	59 40 N.	143 11 W.	
" 27	101	59 16 N.	143 36 W.	
" 28	9	58 59 N.	143 30 W.	
" 29	28	59 14 N.	144 00 W.	
" 30	22	59 22 N.	145 00 W.	659
June 1	1	58 44 N.	147 29 W.	
" 2	3	59 15 N.	148 34 W.	
" 3	2	59 11 N.	147 46 W.	
" 4	8	57 56 N.	148 20 W.	
" 6	14	58 21 N.	149 41 W.	
" 7	1	58 20 N.	150 06 W.	
" 8	9	58 00 N.	151 34 W.	
" 11	3	58 04 N.	150 40 W.	
June 15	2	58 22 N.	149 35 W.	701
195 July 1	1	57 58 N.	149 49 W.	
" 2	1	56 34 N.	152 10 W.	
July 24	1	51 54 N.	168 56 E.	
" 25	3	53 17 N.	167 48 E.	
" 26	68	54 17 N.	167 40 E.	
" 27	112	53 54 N.	167 56 E.	
" 28	19	53 38 N.	167 30 E.	907
August 1	4	53 28 N.	167 01 E.	
" 2	15	53 29 N.	168 15 E.	
" 3	28	53 50 N.	167 18 E.	
" 4	28	53 23 N.	168 15 E.	
" 5	47	53 36 N.	167 34 E.	
" 6	75	53 26 N.	167 36 E.	
" 7	8	53 22 N.	166 07 E.	
" 9	12	53 45 N.	166 20 E.	
" 10	5	53 24 N.	165 52 E.	
" 11	7	54 07 N.	165 31 E.	
" 16	12	53 21 N.	166 37 E.	
" 17	15	53 18 N.	167 04 E.	
" 18	14	53 10 N.	167 21 E.	
" 21	9	53 36 N.	169 29 E.	
" 22	27	53 19 N.	169 00 E.	
" 23	5	53 29 N.	169 04 E.	
" 24	21	54 06 N.	168 17 E.	
" 25	1	53 32 N.	168 12 E.	
Total for the season				1,246

(Signed) A. BJERNE, *Master.*

(7.)

CANADA, *Province of British Columbia, City of Victoria.*

I, John Graham Cox, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am the managing owner and have the custody of the log-books of the sealing-schooner "Sapphire" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) J. G. Cox.

Subscribed and declared by the said John Graham Cox before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 9th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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196 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, on the Schooner "Sapphire" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
April 7	1	50 10 N.	129 57 W.	
" 16	6	51 36 N.	131 51 W.	
" 17	17	51 55 N.	132 41 W.	
" 26	16	54 20 N.	134 17 W.	
" 27	27	54 23 N.	134 25 W.	
" 28	1	54 23 N.	134 25 W.	
" 29	24	55 02 N.	135 18 W.	
" 30	29	55 21 N.	135 50 W.	
May 1	107	55 06 N.	135 41 W.	
" 2	3	55 24 N.	135 44 W.	
" 4	55	55 30 N.	136 15 W.	
" 5	100	55 33 N.	136 47 W.	
" 6	82	55 58 N.	137 05 W.	
" 7	23	56 01 N.	136 44 W.	
" 8	36	56 01 N.	136 44 W.	
" 9	14	56 06 N.	136 32 W.	
" 10	13	56 06 N.	136 45 W.	
" 13	40	56 36 N.	137 18 W.	
" 14	41	56 36 N.	137 18 W.	
" 17	40	58 24 N.	139 58 W.	
" 18	3	58 34 N.	139 50 W.	
" 22	2	59 12 N.	143 45 W.	
" 26	63	59 20 N.	145 39 W.	
" 27	83	59 28 N.	145 51 W.	
" 28	9	59 14 N.	146 11 W.	
" 29	33	59 20 N.	145 30 W.	
" 30	77	59 22 N.	146 05 W.	
June 1	3	59 22 N.	146 05 W.	
" 2	12	59 15 N.	146 05 W.	
" 3	2	58 44 N.	147 27 W.	
" 11	21	59 18 N.	146 32 W.	
				983

This is the Return marked (A) referred to in the declaration hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(8.)

CANADA, *Province of British Columbia, City of Victoria.*

I, John Graham Cox, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am the managing owner and have custody of the log-books of the sealing-schooner "E. B. Marvin" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) J. G. Cox.

Subscribed and declared by the said John Graham Cox before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 9th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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197 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "E. B. Marvin" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
January 28	6	48 24 N.	125 48 W.	
February 1	4	48 54 N.	126 27 W.	
" 3	6	48 06 N.	124 57 W.	
" 4	17	47 55 N.	125 18 W.	
" 6	17	47 49 N.	125 23 W.	
" 8	15	47 00 N.	125 06 W.	
" 10	8	46 50 N.	124 52 W.	
" 11	16	46 43 N.	124 42 W.	
" 15	20	46 57 N.	124 44 W.	
" 16	10	47 02 N.	125 21 W.	
" 17	5	47 12 N.	125 07 W.	
" 18	4	46 29 N.	124 51 W.	
" 19	16	46 19 N.	124 32 W.	
" 23	8	46 35 N.	124 40 W.	
" 24	13	46 25 N.	124 19 W.	
" 25	10	46 34 N.	124 28 W.	
" 26	5	46 58 N.	124 34 W.	
March 2	7	48 44 N.	126 05 W.	
" 10	44	48 35 N.	126 00 W.	
" 12	11	48 24 N.	125 24 W.	
" 14	5	50 03 N.	128 08 W.	
" 15	29	49 49 N.	128 28 W.	
" 16	6	50 09 N.	128 51 W.	
" 18	9	50 18 N.	129 20 W.	
" 20	14	50 05 N.	128 36 W.	
" 21	2	50 05 N.	129 31 W.	
" 23	6	50 22 N.	128 36 W.	
" 27	14	50 01 N.	128 38 W.	
" 29	2	50 16 N.	129 36 W.	
" 30	2	50 25 N.	129 30 W.	
April 1	15	50 32 N.	129 51 W.	
" 2	30	51 36 N.	130 57 W.	

Return showing the Dates on which Seals were taken, etc.—Continued.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
April 5	1	52 14 N.	131 48 W.	
" 6	22	51 04 N.	130 59 W.	
" 7	9	51 11 N.	130 31 W.	
" 16	7	51 13 N.	130 46 W.	
" 18	1	51 34 N.	133 11 W.	
" 22	44	52 20 N.	133 32 W.	
" 23	20	52 47 N.	133 46 W.	
" 26	37	53 04 N.	133 43 W.	
" 27	22	54 53 N.	135 00 W.	
" 28	7	56 27 N.	136 34 W.	
" 29	18	56 32 N.	135 13 W.	
" 30	47	56 29 N.	135 37 W.	
May 1	87	56 43 N.	136 49 W.	
" 2	11	56 26 N.	136 22 W.	
" 3	4	56 38 N.	136 50 W.	
" 5	61	56 27 N.	135 59 W.	
" 6	84	56 18 N.	136 43 W.	
" 7	5	56 17 N.	136 16 W.	
" 8	31	56 35 N.	136 01 W.	
" 10	17	56 59 N.	137 54 W.	
" 11	35	57 13 N.	138 22 W.	
" 12	10	57 19 N.	138 23 W.	
" 13	195	57 27 N.	138 12 W.	
" 14	82	57 50 N.	138 45 W.	
" 15	14	58 31 N.	139 48 W.	
" 17	78	58 18 N.	139 49 W.	
" 18	44	58 42 N.	139 52 W.	
" 19	2	58 29 N.	140 29 W.	
" 22	35	58 29 N.	140 21 W.	
" 26	15	58 30 N.	140 33 W.	
" 27	17	58 20 N.	140 56 W.	
" 28	30	58 40 N.	140 53 W.	
" 29	44	58 44 N.	140 43 W.	
" 30	57	58 47 N.	141 00 W.	
June 2	11	58 53 N.	141 16 W.	
" 3	1	58 46 N.	147 34 W.	
" 4	3	58 47 N.	147 38 W.	
" 6	4	58 46 N.	147 17 W.	
" 7	15	58 53 N.	146 56 W.	
" 8	18	58 45 N.	146 44 W.	
" 9	2	58 38 N.	147 53 W.	
				1,623

This is the Return marked (A) referred to in the declaration hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

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198 (9.)

CANADA, *Province of British Columbia, City of Victoria.*

I, William Munsie, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am the managing owner and have possession of the log for 1892 of the sealing-schooner "Viva."

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WILLIAM MUNSIE.

Subscribed and declared by the said William Munsie before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 8th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Viva," cleared at Victoria Customs February 8, sailed on February 11, on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
February 15	28	46 34 N.	126 00 W.	28
" 16	11	46 13 N.	125 45 W.	39
" 17	5	46 04 N.	125 56 W.	44
" 18	3			47
" 19	11	45 56 N.	124 30 W.	58
" 20	1			59
" 21	1	47 33 N.	127 07 W.	60
" 22	4	47 41 N.	127 00 W.	64
" 23				
" 24		49 05 N.	126 30 W.	
" 25	3	48 50 N.	127 05 W.	67
" 26	7			74
" 27		47 43 N.	127 43 W.	
" 28	1			75
" 29		48 00 N.	126 00 W.	
March 1	38	47 55 N.	126 01 W.	113
" 2	58	47 45 N.	125 50 W.	171
" 3				
" 4		47 33 N.	126 20 W.	
" 5	1	47 30 N.	126 00 W.	172
" 6	1	48 01 N.	126 50 W.	173
" 7	1	47 58 N.	127 00 W.	174
" 8	2	48 00 N.	126 20 W.	176
" 9	2	47 57 N.	125 30 W.	178
" 10	1			179
" 11	4	46 52 N.	125 25 W.	183
" 12	10	48 00 N.	125 25 W.	193
" 13				
" 14				
" 15				
" 16				
" 17				
" 18				
" 19				
" 20				
" 21				
" 22				
" 23				
" 24				
" 25	3	48 37 N.	127 50 W.	196
" 26				
" 27	1	40 57 N.	131 30 W.	197
" 28				
" 29	11	52 37 N.	133 29 W.	208
March 30	8	52 58 N.	132 45 W.	216
April 1	8			224
" 2	3	55 00 N.	134 00 W.	227
April 3		55 29 N.	134 30 W.	
" 4		55 30 N.	135 00 W.	
" 5		55 50 N.	136 16 W.	
" 6				
" 7				
" 8				
" 9				
" 10				
" 11		54 47 N.		
" 12	22	56 13 N.	135 56 W.	249
" 13	3	56 40 N.	134 10 W.	252
" 14		56 31 N.	136 00 W.	
" 15		56 13 N.	135 45 W.	

Return showing the Dates on which Seals were taken, etc.—Continued.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
April 16	33	56 18 N.	136 54 W.	285
" 17	1	.....	.....	286
" 18	61	57 17 N.	137 20 W.	347
" 19	2	.....	.....	349
" 20	.....	.....	.....	.....
" 21	.....	.....	.....	.....
" 22	24	57 19 N.	136 16 W.	373
" 23	7	57 15 N.	136 34 W.	380
" 24	4	.....	.....	384
" 25	1	58 17 N.	141 28 W.	385
" 26	87	58 25 N.	141 01 W.	472
" 27	149	58 30 N.	141 50 W.	621
" 28	130	58 38 N.	141 16 W.	751
" 29	82	58 40 N.	141 28 W.	833
" 30	48	58 52 N.	141 01 W.	881
May 1	5	59 10 N.	141 20 W.	886
" 2	.....	59 04 N.	142 50 W.	.....
" 3	.....	58 56 N.	143 20 W.	.....
" 4	48	.....	.....	934
" 5	21	58 39 N.	146 56 W.	955
" 6	.....	58 30 N.	.....	.....
" 7	20	.....	.....	975
" 8	2	58 20 N.	149 20 W.	977
" 9	.....	.....	.....	.....
" 10	.....	.....	.....	.....
" 11	32	.....	.....	1,009
" 12	169	58 53 N.	144 16 W.	1,178
" 13	17	57 02 N.	144 49 W.	1,195
" 14	27	57 10 N.	144 01 W.	1,222
" 15	21	58 55 N.	145 00 W.	1,243
" 16	24	.....	.....	1,267
" 17	64	58 43 N.	145 20 W.	1,331
" 18	69	58 42 N.	144 54 W.	1,400
" 19	.....	.....	.....	.....
" 20	.....	.....	.....	.....
" 21	2	58 51 N.	146 59 W.	1,402
" 22	17	.....	.....	1,419
" 23	.....	.....	.....	.....
" 24	.....	.....	.....	.....
" 25	1	57 30 N.	147 48 W.	1,420
" 26	14	.....	.....	1,434
" 27	61	59 06 N.	145 12 W.	1,495
" 28	48	.....	.....	1,543
" 29	34	58 46 N.	144 27 W.	1,577
" 30	16	48 35 N.	144 21 W.	1,593
" 31	1	58 50 N.	144 00 W.	1,594
June 1	.....	58 47 N.	142 40 W.	.....
" 2	17	.....	.....	1,611
" 3	40	57 00 N.	140 05 W.	1,651
" 4	49	58 55 N.	140 10 W.	1,700
" 5	11	58 59 N.	140 20 W.	1,711
" 6	11	.....	.....	1,722
" 7	1	.....	.....	1,723
" 8	.....	.....	.....	.....
" 9	.....	.....	.....	.....
" 10	.....	.....	.....	.....
" 11	.....	.....	.....	.....
" 12	.....	.....	.....	.....
" 13	50	58 30 N.	140 20 W.	1,773
" 14	.....	58 35 N.	140 25 W.	.....
" 15	3	59 01 N.	143 01 W.	1,776
" 16	23	59 10 N.	144 00 W.	1,799
" 17	38	.....	.....	1,837
" 18	.....	.....	.....	.....
" 19	.....	.....	.....	.....
" 20	10	58 85 N.	145 49 W.	1,847
July 21	1	.....	.....	1,848

Certified correct, as copied from log-book, this 7th day of November, 1892.

(Signed) WM. MUNSIE,
Managing Owner, British Schooner "Viva."

This is the Return marked (A) referred to in the declaration of William Munsie, hereunto attached.

(Signed) A. L. BELYEA, *Notary Public.*

200 (10.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Alfred R. Bissett, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was the master of the sealing-schooner "Annie E. Paint" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ALFRED R. BISSETT.

Subscribed and declared by the said Alfred R. Bissett before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 8th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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201 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Annie E. Paint" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
February 7	2	48 44 N.	125 35 W.	2
" 13	2	48 41 N.	125 30 W.	4
" 14	1	48 38 N.	125 22 W.	5
" 15	6	48 40 N.	125 20 W.	11
" 16	5	48 10 N.	125 25 W.	16
" 17	3	47 20 N.	125 05 W.	19
" 18	11	47 40 N.	125 12 W.	30
" 19	7	47 47 N.	125 06 W.	37
" 22	3	47 25 N.	125 12 W.	40
" 23	7	47 20 N.	125 20 W.	47
" 25	2	47 54 N.	124 55 W.	49
March 1	7	46 16 N.	124 40 W.	56
" 3	4	46 06 N.	124 24 W.	60
" 9	7	47 45 N.	125 05 W.	67
" 12	9	49 32 N.	127 09 W.	76
" 15	57	49 25 N.	126 50 W.	133
" 16	4	49 07 N.	127 00 W.	137
" 20	15	49 34 N.	127 52 W.	152
April 4	3	48 55 N.	127 16 W.	155
" 16	5	51 26 N.	132 06 W.	160
" 18	27	51 06 N.	130 30 W.	187
" 22	7	51 30 N.	133 53 W.	194
" 25	12	51 22 N.	130 06 W.	206
" 26	13	51 05 N.	130 08 W.	219
" 27	20	51 10 N.	130 21 W.	239
May 1	2	51 09 N.	131 58 W.	241
" 5	4	51 47 N.	132 48 W.	245
" 7	11	52 57 N.	133 18 W.	256
" 12	15	55 42 N.	136 22 W.	271
" 15	24	57 05 N.	138 00 W.	295
" 25	18	59 06 N.	141 03 W.	313
" 26	46	59 14 N.	141 40 W.	359

Return showing the Dates on which Seals were taken, etc.—Continued.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
May 28	57	59 14 N.	143 10 W.	416
" 29	38	59 20 N.	141 58 W.	454
" 30	52	59 24 N.	141 41 W.	506
June 1	11	59 24 N.	141 16 W.	517
" 4	8	59 24 N.	145 53 W.	525
" 7	10	59 13 N.	145 03 W.	536
" 12	19	59 11 N.	149 45 W.	555
" 16	8	59 20 N.	149 45 W.	563
" 17	1	58 45 N.	148 55 W.	564
August 3	5	52 55 N.	166 40 E.	569
" 4	3	52 32 N.	166 01 E.	572
" 5	24	53 04 N.	165 21 E.	596
" 6	46	52 30 N.	165 30 E.	642
" 8	53	52 47 N.	165 37 E.	695
" 12	15	53 00 N.	166 40 E.	710
" 17	8	53 02 N.	166 46 E.	718
" 19	33	52 59 N.	166 31 E.	751
" 21	8	52 48 N.	166 12 E.	759
" 22	26	52 58 N.	166 14 E.	784
" 23	48	52 59 N.	166 25 E.	832
" 27	32	52 58 N.	166 35 E.	864
" 31	13	52 01 N.	167 00 E.	878
September 5	16	53 00 N.	167 30 E.	894
" 12	28	53 00 N.	165 58 E.	922
" 13	19	52 59 N.	165 40 E.	941
" 20	44	52 00 N.	169 11 E.	985

(Signed) ALFRED R. BISSETT,
Master, Schooner "Annie E. Paint."

This is the Return marked (A) referred to in the declaration of Alfred R. Bissett, hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

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202 (11.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Charles Hackett, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was the master of the sealing-schooner "Annie C. Moore" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHAS. HACKETT.

Subscribed and declared by the said Charles Hackett before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 15th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Annie C. Moore" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
March 1	57	49 30 N.	129 00 W.	57
" 2	5	49 12 N.	129 00 W.	62
" 10	10	49 20 N.	129 00 W.	72
" 11	9	49 19 N.	128 00 W.	81
" 12	6	49 19 N.	127 40 W.	87
" 15	62	49 19 N.	127 47 W.	149
" 16	12	49 19 N.	127 47 W.	161
May 1	24	54 36 N.	134 55 W.	185
" 5	39	55 37 N.	135 35 W.	224
" 6	31	55 50 N.	136 00 W.	255
" 7	8	56 10 N.	135 50 W.	263
" 8	8	56 10 N.	135 50 W.	271
" 10	29	56 37 N.	136 14 W.	300
" 13	17	57 00 N.	137 08 W.	317
" 14	15	57 00 N.	137 08 W.	332
" 15	15	57 00 N.	137 08 W.	347
" 18	20	59 00 N.	145 40 W.	367
" 23	21	59 00 N.	145 40 W.	388
" 27	39	58 55 N.	145 50 W.	427
" 28	17	58 55 N.	145 50 W.	444
" 29	59	58 50 N.	147 10 W.	503
June 4	9	57 50 N.	147 10 W.	512
" 6	7	57 50 N.	148 50 W.	519
" 8	8	57 50 N.	148 50 W.	527

(Signed) CHAS. HACKETT.

This is the Return marked (A) referred to in the declaration of Charles Hackett, hereto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(12.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Thomas Earle, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am the managing owner of and have the custody of the logs of the sealing-schooner "Fawn" for and during the year 1892.

2. That I have carefully compared the entries under the head-
203 ings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed, marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) THOMAS EARLE.

Subscribed and declared by the said Thomas Earle before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 15th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Fawn" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
April 22	4	50 02 N.	128 49 W.	4
" 23	7	50 38 N.	129 10 W.	11
" 25	8	Cape St. James bearing N.E. by E. 25 miles off.		19
" 26	2	50 00 N.	130 50 W.	21
" 27	12	52 06 N.	.....	33
May 1	52	Forster Island bearing N. E. by N. ½ N. 35 miles off.		85
" 2	6	54 18 N.	.....	91
" 13	28	54 15 N.	.....	119
" 14	15	54 58 N.	134 40 W.	134
" 15	5	56 12 N.	135 47 W.	139
" 18	5	57 18 N.	136 56 W.	144
" 22	7	58 23 N.	138 33 W.	151
" 25	10	58 41 N.	140 19 W.	161
" 26	49	58 58 N.	140 37 W.	210
" 27	32	59 05 N.	140 40 W.	242
" 28	13	59 02 N.	140 39 W.	255
" 29	49	58 56 N.	141 15 W.	304
" 30	39	59 03 N.	141 16 W.	343
June 1	4	59 11 N.	142 32 W.	347
" 2	7	59 13 N.	142 35 W.	354
" 3	16	59 01 N.	142 20 W.	370
" 4	9	58 56 N.	142 35 W.	379
" 5	7	58 58 N.	142 04 W.	386
" 6	18	59 02 N.	141 56 W.	404
" 7	8	59 12 N.	141 36 W.	412
" 8	5	59 12 N.	141 36 W.	417
" 11	12	59 22 N.	147 39 W.	429
" 12	34	58 58 N.	147 53 W.	463
" 16	8	58 44 N.	148 04 W.	471
" 20	1	58 41 N.	147 04 W.	472
" 28	8	57 47 N.	148 27 W.	480

(Signed) THOMAS EARLE.

This is the Return marked (A) referred to in the declaration of Thomas Earle hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(13.)

CANADA, *Province of British Columbia, City of Victoria.*

I, George Heater, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was the master of and kept a log of the sealing-schooner "Ainoko" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the
204 year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEORGE HEATER.

Subscribed and declared by the said George Heater before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 15th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,

A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Ainoko" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
February 20 (In port.)	24	48 20 N.	125 20 W.	24
April 27	17	50 00 N.	128 35 W.	41
" 28	16	51 46 N.	131 20 W.	57
May 6	20	52 50 N.	133 00 W.	77
" 7	17	54 00 N.	134 00 W.	94
" 9	9	54 28 N.	134 14 W.	103
" 14	8	54 36 N.	134 34 W.	111
" 15	6	56 15 N.	136 30 W.	117
" 17	12	56 45 N.	136 55 W.	129
" 18	17	57 41 N.	138 23 W.	146
" 25	60	59 20 N.	143 07 W.	206
" 26	114	59 00 N.	143 00 W.	320
" 27	166	59 20 N.	142 17 W.	486
" 28	16	59 17 N.	142 55 W.	502
" 29	57	59 14 N.	143 20 W.	559
" 30	81	59 20 N.	143 36 W.	640
June 3	8	59 01 N.	144 06 W.	648
" 4	10	59 17 N.	145 29 W.	658
" 5	6	59 06 N.	146 00 W.	664
" 6	25	59 04 N.	147 24 W.	689
" 7	8	59 02 N.	147 30 W.	697
" 12	24	58 40 N.	150 20 W.	721
" 15	4	58 12 N.	150 25 W.	725
" 19	8	58 50 N.	150 13 W.	733
" 20	17	58 52 N.	150 08 W.	750

(Signed) GEORGE HEATER, *Master.*

(14.)

CANADA, *Province of British Columbia, City of Victoria.*

I, William Henry Whiteley, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I was the master and kept the log-books of the sealing-schooner "Mermaid" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) W. H. WHITELEY.

Subscribed and declared by the said William Henry Whiteley before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 9th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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205 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Mermaid" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
May 1	5	54 30 N.	135 00 W.	
" 2	2	55 05 N.	135 00 W.	
" 3	2	55 30 N.	135 00 W.	
" 4	2	55 50 N.	137 00 W.	
" 5	10	56 20 N.	135 30 W.	
" 6	10	57 15 N.	137 00 W.	
" 7	2	56 30 N.	136 20 W.	
" 8	2	56 30 N.	136 20 W.	
" 9	1	57 10 N.	136 40 W.	
" 10	11	57 30 N.	137 40 W.	
" 13	22	57 40 N.	138 20 W.	
" 14	31	57 45 N.	138 50 W.	
" 26	17	59 40 N.	145 00 W.	
				187

This is the Return marked (A) referred to in the declaration of William Henry Whiteley, hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(15.)

CANADA, *Province of British Columbia, City of Victoria.*

I, John Graham Cox, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am the managing owner and have the custody of the log-books of the sealing-schooner "Triumph" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) J. G. Cox.

Subscribed and declared by the said John Graham Cox before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 9th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,
A Notary Public in and for the Province of British Columbia.

206 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Triumph" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
May 27	10	59 06 N.	146 06 W.	
" 28	28	59 00 N.	148 37 W.	
" 29	27	59 06 N.	146 57 W.	
" 30	32	58 54 N.	146 45 W.	
" 31	60	58 52 N.	146 30 W.	
June 3	4	58 50 N.	147 39 W.	
" 4	13	58 46 N.	147 40 W.	
" 5	6	58 48 N.	147 38 W.	
" 6	13	58 37 N.	148 02 W.	
" 7	8	58 52 N.	148 00 W.	
" 8	9	58 41 N.	148 32 W.	
" 9	6	58 42 N.	149 24 W.	
" 11	19	58 24 N.	149 06 W.	
" 12	18	58 23 N.	148 48 W.	
" 16	9	58 48 N.	148 34 W.	
				262

This is the Return marked (A) referred to in the declaration hereunto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

(16.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Alonzo Nickerson, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was the master of and have the custody of the log-books of the sealing-steamer "Thistle" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) ALONZO NICKERSON.

Subscribed and declared by the said Alonzo Nickerson before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of November, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA,

A Notary Public in and for the Province of British Columbia.

207 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Steamer "Thistle" on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
February 27	3	37 30 N.	123 55 W.	3
" 28	1	37 45 N.	123 35 W.	4
" 29	37	38 00 N.	123 15 W.	41
March 1	2	37 20 N.	123 40 W.	43
" 9	6	38 12 N.	123 20 W.	49
" 10	3	38 20 N.	123 45 W.	52
" 11	4	40 22 N.	125 00 W.	56
" 12	1	42 15 N.	125 25 W.	57
" 14	8	44 20 N.	125 00 W.	65
" 15	8	44 50 N.	124 50 W.	73
" 16	4	45 00 N.	124 40 W.	77
" 17	2	46 30 N.	124 40 W.	79
April 2	3	46 25 N.	125 00 W.	82
" 4	1	45 58 N.	124 30 W.	83
" 6	1	45 05 N.	125 10 W.	84
" 7	6	44 50 N.	125 15 W.	90
" 9	1	44 46 N.	126 05 W.	91
" 10	1	44 29 N.	124 50 W.	92
" 11	3	44 33 N.	125 02 W.	95
" 13	1	46 10 N.	125 00 W.	96
" 16	14	46 39 N.	124 30 W.	110
" 17	4	46 28 N.	124 30 W.	114
" 18	1	46 20 N.	124 20 W.	115
" 19	1	46 36 N.	124 00 W.	116
" 21	7	47 37 N.	124 00 W.	123
" 23	10	48 20 N.	126 00 W.	133
" 28	15	48 25 N.	126 10 W.	148
May 1	20	48 52 N.	126 20 W.	168
" 2	17	48 53 N.	126 20 W.	185
" 3	14	49 20 N.	127 00 W.	199
" 13	16	51 31 N.	132 10 W.	215
" 26	1	58 19 N.	142 55 W.	216
" 27	53	58 42 N.	142 30 W.	269
" 28	5	58 56 N.	142 20 W.	274
" 29	31	58 56 N.	142 38 W.	305
" 30	52	59 19 N.	142 55 W.	357
" 31	.....	.....	.....	.....
June 1	2	59 08 N.	143 21 W.	359
" 2	14	59 10 N.	143 35 W.	373
" 3	5	59 13 N.	144 30 W.	378
" 4	10	59 40 N.	144 40 W.	388
" 5	3	.....	.....	391
" 6	7	.....	.....	398
" 7	3	57 20 N.	146 20 W.	401
" 8	13	57 30 N.	146 15 W.	414
" 9	1	.....	.....	415
" 11	2	57 20 N.	146 30 W.	417
" 12	2	57 30 N.	146 25 W.	419
" 14	4	57 27 N.	146 42 W.	423
" 26	8	56 10 N.	146 50 W.	431
" 27	7	56 15 N.	146 42 W.	438
" 28	3	.....	146 30 W.	441

(Signed) ALONZO NICKERSON.

This is the Return referred to as marked (A) in the declaration of Alonzo Nickerson, hereto annexed.

(Signed) A. L. BELYEA, *Notary Public.*

208 (17.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Wentworth E. Baker, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I was master of the sealing-schooner "C. H. Tupper" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in

the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) W. E. BAKER.

Subscribed and declared by the said Wentworth E. Baker before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 28th day of November, A. D. 1892.

[SEAL.] (Signed) P. Æ. IRVING,

A Notary Public in and for the Province of British Columbia.

(A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "C. H. Tupper" on her Sealing Voyage for the Season 1892 on the Eastern side of the North Pacific Ocean.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
February 1	1	46 57 N.	125 30 W.	1
" 2	7	46 23 N.	125 27 W.	8
" 3	.....	46 50 N.	125 31 W.	.....
" 4	10	46 10 N.	125 35 W.	18
" 5	.....	46 02 N.	125 29 W.	.....
" 6	14	44 51 N.	125 26 W.	32
" 7	3	43 48 N.	125 30 W.	35
" 8	4	43 47 N.	125 33 W.	39
" 9	.....	43 50 N.	125 31 W.	.....
" 10	3	43 22 N.	125 15 W.	42
" 11	.....	43 20 N.	125 16 W.	.....
" 12	15	43 23 N.	125 19 W.	57
" 13	.....	43 38 N.	125 24 W.	.....
" 14	.....	43 45 N.	125 21 W.	.....
" 15	41	43 46 N.	125 18 W.	98
" 16	13	43 48 N.	125 26 W.	111
" 17	13	43 50 N.	125 27 W.	124
" 18	4	43 46 N.	125 20 W.	128
" 19	.....	43 58 N.	125 12 W.	.....
" 20	4	44 30 N.	125 00 W.	132
" 21	.....	44 33 N.	125 10 W.	.....
" 22	11	44 30 N.	125 12 W.	143
" 23	23	45 20 N.	125 30 W.	166
" 24	29	46 03 N.	125 05 W.	195
" 25	12	.....	.....	207
" 26	3	46 15 N.	125 13 W.	210
" 27	.....	46 13 N.	125 10 W.	.....
" 28	.....	46 20 N.	125 14 W.	.....
" 29	.....	47 23 N.	126 15 W.	.....
March 1	24	48 05 N.	126 16 W.	234
" 2	24	.....	.....	258
" 3	1	.....	.....	259
" 4	.....	48 09 N.	126 14 W.	.....
" 5	.....	48 03 N.	126 16 W.	.....
" 6	.....	48 10 N.	126 18 W.	.....
" 7	2	.....	.....	261
" 8	4	48 00 N.	126 07 W.	.....
" 9	4	47 53 N.	.....	269
" 10	3	47 35 N.	126 00 W.	272
" 11	.....	.....	.....	.....
" 12	4	47 21 N.	125 36 W.	.....
" 13	.....	47 00 N.	125 40 W.	276
" 14	8	47 16 N.	126 18 W.	284
" 15	10	.....	.....	294
" 16	3	46 45 N.	126 20 W.	297
" 17	.....	46 52 N.	126 13 W.	.....
" 18	4	.....	.....	.....
" 19	6	46 58 N.	126 06 W.	307
" 20	1	47 10 N.	125 50 W.	.....
March 21	.....	47 30 N.	125 36 W.	308
209 " 22	.....	48 05 N.	126 17 W.	.....
" 23	.....	.....	.....	.....
March 24	.....	48 14 N.	126 23 W.	.....
" 25	1	48 35 N.	126 00 W.	309
" 26	.....	Went in port for water and supplies.		

Return showing the Dates on which Seals were taken, etc.—Continued.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
March 30	.....	50 00 N.	128 50 W.	309
" 31	.....	49 57 N.	128 54 W.	.....
April 1	.....	49 30 N.	128 20 W.	.....
" 2	4	.....	.....	313
" 3	2	50 03 N.	128 21 W.	315
" 4	.....	50 10 N.	128 23 W.	.....
" 5	1	50 08 N.	128 49 W.	316
" 6	.....	.....	.....	.....
" 7	.....	50 42 N.	129 10 W.	.....
" 8	.....	51 36 N.	130 31 W.	.....
" 9	.....	52 00 N.	131 54 W.	.....
" 10	1	.....	.....	317
" 11	.....	52 10 N.	132 06 W.	.....
" 12	3	52 34 N.	.....	320
" 13	.....	52 40 N.	132 41 W.	.....
" 14	2	.....	.....	322
" 15	.....	54 40 N.	133 55 W.	.....
" 16	.....	Went in port for water.		
" 22	9	54 46 N.	135 00 W.	331
" 23	19	55 07 N.	135 20 W.	350
" 24	2	56 09 N.	135 36 W.	352
" 25	1	56 55 N.	136 58 W.	353
" 26	13	.....	.....	366
" 27	18	56 59 N.	136 59 W.	384
" 28	18	56 58 N.	137 08 W.	402
" 29	62	56 56 N.	137 15 W.	464
" 30	20	57 05 N.	137 18 W.	484
May 1	35	57 20 N.	137 35 W.	519
" 2	11	57 20 N.	137 35 W.	530
" 3	2	57 24 N.	137 40 W.	532
" 4	57	57 26 N.	137 42 W.	589
" 5	60	57 30 N.	137 50 W.	649
" 6	35	57 28 N.	138 49 W.	684
" 7	.....	58 20 N.	140 36 W.	.....
" 8	23	59 00 N.	142 40 W.	707
" 9	1	59 00 N.	142 30 W.	708
" 10	2	.....	.....	710
" 11	41	58 56 N.	143 20 W.	751
" 12	113	58 48 N.	143 42 W.	864
" 13	17	59 00 N.	144 06 W.	881
" 14	24	.....	.....	905
" 15	5	58 43 N.	144 23 W.	910
" 16	1	58 59 N.	146 00 W.	911
" 17	20	58 59 N.	146 00 W.	931
" 18	41	58 59 N.	146 00 W.	972
" 19	1	58 59 N.	146 20 W.	973
" 20	.....	58 59 N.	146 20 W.	.....
" 21	.....	59 08 N.	146 00 W.	.....
" 22	5	59 00 N.	146 23 W.	.....
" 23	1	58 52 N.	146 42 W.	979
" 24	.....	59 01 N.	147 06 W.	.....
" 25	.....	58 50 N.	148 00 W.	.....
" 26	30	58 41 N.	148 02 W.	1,009
" 27	73	58 41 N.	148 02 W.	1,082
" 28	41	59 03 N.	147 20 W.	1,123
" 29	14	58 56 N.	146 30 W.	1,137
" 30	60	58 43 N.	146 08 W.	1,197
" 31	.....	58 45 N.	146 00 W.	.....
June 1	4	.....	.....	1,201
" 2	6	58 51 N.	145 52 W.	1,207
" 3	9	59 03 N.	146 07 W.	1,216
" 4	17	59 20 N.	146 02 W.	1,233
" 5	1	59 18 N.	146 00 W.	1,234
" 6	5	.....	.....	1,239
" 7	6	59 02 N.	147 50 W.	1,245
" 8	.....	58 02 N.	148 46 W.	.....
" 9	1	58 02 N.	148 46 W.	1,246
" 10	.....	58 31 N.	149 10 W.	.....
" 11	8	58 13 N.	149 22 W.	1,254
" 12	13	58 40 N.	149 30 W.	1,267
" 13	1	58 40 N.	149 30 W.	1,268
" 14	.....	58 32 N.	149 18 W.	.....
" 15	.....	58 41 N.	149 05 W.	.....
" 16	5	59 01 N.	149 35 W.	1,273

(Signed) W. E. BAKER.

This is the Exhibit (A) referred to in the declaration of Wentworth E. Baker, taken before me this 28th day of November, 1892.

(Signed) P. Æ. IRVING,
A Notary Public in and for the Province of British Columbia.

210 (18.)

CANADA, *Province of British Columbia, City of Victoria.*

I, Olaf J. Westerlund, of the city of Vancouver, in the Province of British Columbia, mate, do solemnly declare:

1. That I, Olaf Westerlund, have been mate of the sealing-schooner "C. D. Rand" for and during the year 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

Subscribed and declared by the said Olaf Westerlund, before me, a Notary Public duly commissioned, and residing and practising at the City of Vancouver, in the Province of British Columbia, on this 19th day of December, A. D. 1892.

(Signed) OLAF WESTERLUND.

[SEAL.] (Signed) R. W. HARRIS,
A Notary Public in and for the Province of British Columbia.

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "C. D. Rand," on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
February 25	4	48 23 N.	125 44 W.	
" 26	3	48 18 N.	126 91 W.	
March 10	2	47 58 N.	125 22 W.	
" 12	5	48 38 N.	125 59 W.	
" 14	5	48 04 N.	125 48 W.	
" 15	8	47 48 N.	125 21 W.	
" 17	1	47 00 N.	125 00 W.	
April 27	9	49 12 N.	125 17 W.	
" 28	5	49 15 N.	126 52 W.	
May 6	8	51 39 N.	130 39 W.	
" 7	17	.....	131 40 W.	
" 8	2	52 10 N.	132 45 W.	
" 9	7	.....	.....	
" 13	25	55 40 N.	135 32 W.	
" 14	20	56 21 N.	135 36 W.	
" 15	27	56 21 N.	135 12 W.	
" 17	5	56 32 N.	135 31 W.	
" 22	3	58 27 N.	138 44 W.	
" 23	1	58 40 N.	140 23 W.	
" 25	86	58 58 N.	140 53 W.	
" 26	43	59 02 N.	140 58 W.	
" 27	63	58 49 N.	140 51 W.	
" 28	17	58 59 N.	141 10 W.	
" 29	44	59 24 N.	141 32 W.	
" 30	46	59 22 N.	142 04 W.	
June 1	9	59 14 N.	142 55 W.	
" 2	8	.....	.....	
" 3	20	59 19 N.	143 13 W.	
" 4	34	59 23 N.	143 32 W.	
" 5	33	59 29 N.	143 36 W.	
" 6	5	59 38 N.	144 02 W.	
" 7	7	59 16 N.	145 10 W.	
" 9	5	59 54 N.	146 38 W.	
" 15	3	58 08 N.	149 10 W.	
				580

(A.)

This is the paper-writing marked (A) referred to in the declaration of Olaf Westerlund, made me before this 19th day of December, A. D. 1892.

(Signed) R. W. HARRIS, *Notary Public.*

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211 (19.)

DOMINION OF CANADA,
Province of British Columbia, City of Vancouver.

I, W. H. Copp, of the city of Vancouver, Province of British Columbia, master mariner, do solemnly declare:

1. That I was master of the sealing-schooner "Vancouver Belle" for and during the year of 1892.

2. That I have carefully compared the entries under the headings "Date," "Number of Seals taken," "Latitude," and "Longitude," in the Return hereto annexed marked (A), with the entries in a diary kept by me extracted from the original entries in the log of the said schooner for and upon her sealing voyage in the year 1892, and say the same are, to the best of my knowledge and belief, a full, true, and correct abstract of the entries therein made referring to the matters in said Return set out.

3. That I have been unable to compare the said entries with the original entries in the log of the said schooner, for the reason that the said schooner, while upon her sealing voyage aforesaid, was seized by the Russian Government, and the said log passed out of my possession along with the said schooner, and I have not since obtained possession of the same.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) W. H. COPP.

Subscribed and declared by the said W. H. Copp before me, a Notary Public duly commissioned, and residing and practising at the city of Vancouver, in the Province of British Columbia, this 24th day of December, A. D. 1892.

[SEAL.] (Signed) E. P. DAVIS,
A Notary Public in and for the Province of British Columbia.

212 (A.)

Return showing the Dates on which Seals were taken, the Number taken each Day, and the Noon Position on each such Dates, of the Schooner "Vancouver Belle," on her Sealing Voyage for the Season 1892.

Date.	Number of Seals taken.	Latitude.	Longitude.	Total Seals to Date.
1892.		° ′	° ′	
February 16	3	47 50 N.	125 25 W.	
" 17	1	47 55 N.	125 08 W.	
" 18	4	47 40 N.	125 10 W.	
" 19	5	47 30 N.	125 20 W.	
" 22	2	47 51 N.	125 25 W.	
" 25	1	47 27 N.	125 30 W.	
March 1	2	48 40 N.	125 52 W.	
" 2	2	48 20 N.	125 50 W.	
" 8	2	48 20 N.	125 30 W.	
" 9	1	48 30 N.	125 35 W.	
" 11	4	48 30 N.	125 50 W.	
" 12	1	48 10 N.	126 08 W.	
" 15	7	48 17 N.	127 45 W.	
" 16	1	48 30 N.	127 50 W.	
" 19	2	48 32 N.	126 38 W.	
April 18	2	48 20 N.	127 50 W.	
" 19	2	51 50 N.	132 00 W.	
" 24	2	52 13 N.	133 18 W.	
" 26	14	54 30 N.	133 30 W.	
" 28	4	55 20 N.	134 15 W.	
" 29	2	55 40 N.	134 40 W.	
" 30	2	55 45 N.	134 50 W.	
May 1	26	56 00 N.	134 56 W.	
" 4	6	57 40 N.	136 50 W.	
" 5	24	57 40 N.	136 45 W.	
" 6	5	57 40 N.	136 49 W.	
" 11	5	59 32 N.	142 32 W.	
" 12	6	59 06 N.	143 30 W.	
" 13	19	59 06 N.	142 40 W.	
" 14	6	59 10 N.	143 50 W.	
" 15	3	59 00 N.	146 00 W.	
" 16	7	59 30 N.	145 56 W.	
" 17	19	58 53 N.	146 30 W.	
" 18	57	59 03 N.	147 45 W.	
" 22	5	57 35 N.	147 33 W.	
" 27	16	59 16 N.	148 44 W.	
" 28	14	57 29 N.	149 43 W.	
" 29	17	57 35 N.	149 40 W.	
" 30	27	57 47 N.	149 40 W.	
June 2	10	58 30 N.	150 00 W.	
" 3	7	58 40 N.	151 30 W.	
				335 on the coast.
July 4	3	54 11 N.	168 52 E.	
" 5	2	54 05 N.	167 15 E.	
" 8	1	54 04 N.	167 00 E.	
" 9	18	54 12 N.	169 03 E.	
" 10	2	54 16 N.	169 32 E.	
" 13	3	54 13 N.	169 30 E.	
" 14	22	54 10 N.	168 30 E.	
" 16	1	55 25 N.	167 20 E.	
" 17	1	55 40 N.	166 10 E.	
" 20	1	55 16 N.	168 24 E.	
" 25	8	55 28 N.	170 24 E.	
" 26	2	55 09 N.	169 08 E.	
" 27	8	53 56 N.	169 08 E.	
" 28	103	54 05 N.	167 35 E.	
" 29	11	54 05 N.	167 35 E.	
" 30	1	54 07 N.	167 00 E.	
" 31	1	54 15 N.	167 00 E.	
August 1	13	54 04 N.	167 10 E.	
" 2	1	54 10 N.	167 10 E.	
" 3	13	54 20 N.	167 33 E.	
" 4	5	54 12 N.	167 26 E.	
" 5	14	53 54 N.	167 35 E.	
" 6	24	54 10 N.	167 38 E.	
" 7	31	54 13 N.	167 20 E.	
" 8	1	54 20 N.	167 01 E.	
" 10	3	54 20 N.	166 06 E.	
" 11	3	54 15 N.	166 30 E.	
				296
Total catch				631

(Signed) W. A. Copp,
Ex-Master, Schooner "Vancouver Belle."

Vancouver, *December 20, 1892.*

(Signed) E. P. Davis, *Notary Public.*

213 *Notes made on Voyages between Yokohama and Vancouver by the Commanders of Steam-ships of "Empress" Line, Canadian Pacific Railway.*

Mr. W. C. Van Horne, President of the Canadian Pacific Railway, kindly instructed the Captains of the mail steam-ships of the "Empress" Line, running between Vancouver and Japan, to report any fur-seals observed during their voyages. The reports so far received are quoted below:

CANADIAN PACIFIC RAILWAY COMPANY,
Montreal, April 11, 1892.

DEAR SIR: Captain Marshall, of the "Empress of India," reports that, on his last voyage out (13th to 17th January), "although only 15 miles off some of the islands (Aleutians), no seals were seen, but one was seen on the Japan coast between Kirkasan and Inaboye."

This may interest Mr. Dawson.

Yours truly,

(Signed) A. PIERS.

W. C. VAN HORNE, Esq., *President.*

YOKOHAMA, *May 12, 1892.*

DEAR SIR: I wish to report that on the 10th instant, from 4.20 A. M. to 5.20 A. M., off the coast of Japan in latitude 38° 20′ north, longitude 143° 20′ east, we passed through a continuous shoal of seals playing about. There were a few large ones, but most of them were very small. I can conscientiously say that we saw over 200 before the wash from the ship frightened them away. The morning was very gloomy and calm, the sea calm, with a peculiar smell off it; small clumps of sea-weed, and several birds hovering about; evidently plenty of fish about. The sea temperature at the time was 66 degrees.

Yours respectfully,

(Signed) GEORGE A. LEE, *Commander.*

A. PIERS, Esq.,
Canadian Pacific Railway, Montreal.

Extract from a Letter from Captain Marshall.

AT SEA, *May 22, 1892.*

This passage (19th and 20th May) we have again seen numerous seals between latitudes 38° and 46° north, and longitudes 146° and 169° east; at times they were present in goodly numbers, but generally only a few were seen at a time. They appeared to be travelling in a north-westerly direction, but this is, of course, very hard to determine, going at our speed; these seals this passage have not been seen playing about, but they did not look like sleeping; the seals we passed on this *voyage outwards* were particularly lively, and were jumping clean out of the water.

CANADIAN PACIFIC RAILWAY COMPANY,
Montreal, May 13, 1892.

DEAR SIR: Captain Marshall, of the "Empress of India," reports that, on the 18th April, on his outward voyage No. 6, he saw "any

number of seals, all fur-seals, latitude 40° 41′ north, longitude 143° to 145° west, apparently going north. We passed one sealer with three boats down, following them up."

Yours truly,

(Signed) A. PIERS.

W. C. VAN HORNE, Esq., *President.*

CANADIAN PACIFIC RAILWAY COMPANY,
Montreal, August 5, 1892.

DEAR SIR: Captain Lee, of the "Empress of Japan," reports having observed two seals close alongside, apparently playing, on the 5th July, 1 P. M., latitude 49° 25′ north, longitude 171° 30′ east. At the time the weather was fine, calm, and overcast; sea temperature, 42 degrees Fahrenheit.

Captain Marshall reports having seen one seal on the 26th July, latitude 49° 45′ north, longitude 140° west. Captain Marshall is the commander of the "Empress of India."

Yours truly,

(Signed) A. PIERS.

W. C. VAN HORNE, Esq., *President.*

MONTREAL, *October 11, 1892.*

DEAR SIR: The following is an entry in the log of the "Empress of India," Commander O. P. Marshall, voyage No. 8 home, dated the 27th September, 1892:

"10 A. M. Passed some kelp. Observed a seal."

Yours truly,

(Signed) A. PIERS.

W. C. VAN HORNE, Esq., *President.*

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214 CANADIAN PACIFIC RAILWAY COMPANY,
Montreal, October 17, 1892.

DEAR SIR: I return Dr. Dawson's letter of the 13th, with reference to the one seal which I reported from the "Empress of India," voyage No. 8.

This seal was observed at 10 A. M. of the 27th September, 1892, ships course N. 58° E., position at noon by account (sun obscured) 50′ 26″ north, 148′ 54″ west, speed in the interval 15.5 knots per hour.

No seals of any kind having been reported since the 5th August, Dr. Dawson may take it that none have been observed by our ships.

Yours truly,

(Signed) A. PIERS.

W. C. VAN HORNE, Esq., *President.*

V.—ANALYSIS OF AFFIDAVITS AS TO VALUE OF SCHOONERS.

(A.)—Table showing Value of the Canadian Sealing Fleet for 1891.

No.	Owner's Name.	Name of Vessel.	Tonnage.	Value.	Value of Outfit.	Number of Boats.	Number of Canoes.	Number of White Men employed.	Number of Indians employed.	Estimated Loss to Vessel by closing of Behring Sea.
1	Bissett, Alfred R.	Annie E. Paint	82	$10,000	$3,200	6	.....	20	.....	$20,000.00
2	Grant, William	Ainoko	75	7,500	2,500	1	11	6	22	18,945.00
3	Harrold, Thomas	Aurora	41.17	5,000	2,000	1	8	4	16	14,600.00
4	Hackett, Charles	Annie C. Moore	113	10,000	5,600	7	.....	23	.....	10,621.25
5	Cox, John Graham	Ariel	91	5,000	6,000	2	11	7	22	445 for boats, 1,178 for canoes=1,623 seals, at 15 dollars = 24,345 dollars.
6	Wrede, Bernhard	Beatrice	48.63	7,000	3,000	6	.....	19	.....	15,000.00
7	Hendry, Thomas	Borealis	53	8,000	2,500	1	12	5	25	15,000.00
8	Grant, William	Beatrice	66	6,600	2,000	1	10	5	20	13,600.00
9	Cox, John Graham	Carlotta G. Cox	76	10,000	6,000	7	.....	23	.....	1,557 seals, at 15 dollars = 23,355 dollars.
10	Kelley, Cereno J.	C. H. Tupper	99	12,000	5,500	7	.....	24	.....	20,300.00
11	Hackett, Charles	Carmolite	99	10,000	5,600	7	.....	23	.....	10,571.25
12	McGowan, A. H. B.	C. D. Rand	51.42	10,100	5,700	7	.....	23	.....	23,300.00
13	Cox, John Graham	E. B. Marvin	117	10,000	6,000	7	.....	23	.....	1,557 seals, at 15 dollars = 23,355 dollars.
14	Spring, Charles	Favourite	81	6,000	4,200	3	10	6	20	10,000.00
15	Hall, Richard	Geneva	97	9,700	4,200	7	.....	24	.....	19,350.00
16	Spring, Charles	Kate	58	4,500	4,000	2	12	5	24	Caught 1,450 skins; poor ground year of seizure.
17	Penney, John L.	Katherine	81.57	4,000	3,000	1	10	5	20	5,000.00
18	Williams, Charles	Lama	19	2,200	2,810	2	2	6	2	8,500.00
19	Steavenson, John	Labrador	25.31	4,100	4,700	5	.....	11	.....	13,850.00
20	Seabrook, Roads	Maggie Mac	71	10,000	5,500	7	.....	23	.....	22,112.00
21	Hall, Richard	Mascot	40	4,000	3,000	5	1	19	.....	Entered Sea 22nd August, left 4th October. Not warned. No claim for loss.
22	Jacobson, Victor	Minnie	50	6,000	4,500	2	10	7	21	18,765.00
23	Brown, George Henry	Maria	97.23	6,500	5,000	7	.....	24	.....	14,500.00

24	Munsie, William	Mary Taylor	43	4,000	3,200	5	.....	18	.....	22,500.00
25	Ditto	May Belle	58	7,000	3,000	5	.....	19	.....	15,200.00
26	Jacobson, Victor	Mary Ellen	69	6,000	6,000	4	12	13	25	28,580.00
27	Hall, Richard	Ocean Belle	83	8,300	4,200	8	.....	25	.....	23,560.00
28	Penney, John L	Oscar and Hattie	81	9,500	4,000	2	10	8	20	6,000.00
29	Borns, Walter	Otto	85	12,000	3,000	2	4	6	8	10,000.00
30	Munsie, William	Pioneer	66	7,000	4,000	6	.....	21	.....	Made full season in Sea. Not warned.
31	Urquhart, Donald	Penelope	70	11,000	4,000	6	.....	22	.....	20,000.00
32	Gray, Andrew	Rosie Olsen	39	5,000	2,500	1	8	4	16	14,265.00
33	Cox, John Graham	Sapphire	124	10,000	6,000	2	14	7	28	29,070.00
34	Collins, George	Sea Lion	51	7,000	3,750	6	.....	19	.....	16,955.00
35	Babbington, B. A	Teresa	63.14	6,000	3,640	7	.....	25	.....	17,250.00
36	Cox, John Graham	Triumph	98	10,000	6,000	2	14	7	28	29,070.00
37	Manson, Michael	Thistle	147	25,000	10,000	8	.....	28	.....	23,565.00
38	Seabrook, Roads	Umbrina	98	10,000	5,868	7	.....	23	.....	16,312.00
39	Munsie, William	Viva	92	9,200	6,000	6	.....	23	.....	22,500.00
40	Rounsefelt, John	Vancouver Belle	73	16,500	4,150	8	.....	26	.....	26,280.00
41	Urquhart, Donald	Venture	49	5,000	3,000	1	8	4	16	4,738.00
42	Laing, Andrew	W. P. Sayward	59.70	6,000	2,500	1	10	5	20	8,000.00
43	Earle, Thomas	Walter A. Earle	67.70	8,000	5,000	7	.....	22	.....	6,400.00
44	Spring, Charles	Winnifred	13	1,400	900	2	.....	8	.....	4,200.00
45	Munroe, George E	Walter L. Rich	75	10,000	6,000	7	.....	23	.....	20,300.00
46	Paxton, Henry	Wanderer	25	3,000	1,500	.....	6	3	12	7,000.00
46	Totals	.....	3,261.87	365,100	194,728	204	183	694	365	

No.	Owner's Name.	Name of Vessel.	Tonnage.	Value.	Value of Outfit.	Number of Boats.	Number of Canoes.	Number of White Men employed.	Number of Indians employed.	Estimated Loss to Vessel by closing of Behring Sea.
1	Bissett, Alfred R	Annie E. Paint	82	$9,500	$3,500	7		20		$18,600.00
2	Grant, William	Ainoko	75	7,500	2,500	2	11	6	22	15,100.00
3	Harrold, Thomas	Aurora	41.17	5,000	2,000	1	10	4	20	11,000.00
4	Hackett, Charles	Annie C. Moore	113	10,000	5,600	7		23		18,690.00
5	McPhaden, Donald	Ariel	74	10,000	3,856	7		24		Boats 1,557 seals, at 12 dollars=18,684 dollars.
6	Cox, John Graham	"	91	5,000	6,000	2	11	7	22	Boats 445, canoes 1,178, 1,623 seals, at 12 dollars=19,476 dollars.
7	Douglas, Abel	Arietis	86	8,000	5,000	3	10 part time 7 "	13	20	20,000.00
8	Brown, George Henry	Agnes McDonald	107.09	9,000	6,000	7		24		18,690.00
9	Grant, William	Beatrice	66	6,600	2,000	1	12	5	24	13,900.00
10	Hendry, Thomas	Borealis	53	8,000	2,500	1	11	5	20	11,000.00
11	Seabrook, Roads	Brenda	100	10,000	6,000	8		26		21,360.00
12	Wrede, Bernhard	Beatrice	48.63	7,000	3,500	6		22		15,000.00
13	Cox, John Graham	Carlotta G. Cox	76	10,000	6,000	7		23		1,557 seals, at 12 dollars=18,684 dollars.
14	Kelley, Cereno J	C. H. Tupper	99	12,000	5,500	7		24		12,000.00
15	Hackett, Charles	Carmolite	99	10,000	5,600	7		23		18,690.00
16	MacGowan, A. H. B	C. D. Rand	51.42	10,100	4,000	1	11	7	22	15,200.00
17	Sieward, Henry F	Dora Sieward	94	11,000	4,300	8		26		21,360.00
18	Cox, John Graham	E. B. Marvin	117	10,000	6,000	7		23		1,557 seals, at 12 dollars=18,684 dollars.
19	Clark, John	Enterprise	68.79	10,000	4,800	7		23		17,000.00
20	Spring, Charles	Favourite	81	6,000	4,000	2	12	6	24	25,500.00
21	Earle, Thomas	Fawn	58.56	7,500	3,000	1	11	6	22	15,500.00
22	Hall, Richard	Geneva	97	9,700	4,200	8		26		12,950.00
23	Spring, Charles	Henrietta	31	3,000	3,000	4	4	11	8	19,650.00
24	Penney, John L	Katherine	81.57	4,000	3,000	1	11	6	21	17,325.00
25	Spring, Charles	Kate	58	4,500	4,000	2	12	5	24	25,500.00
26	Williams, Charles	Laura	19	2,200	1,116	2	2	4	4	5,300.00
27	Steavenson, John	Labrador	25.31	4,500	3,055	5		11		16,687.50
28	Hackett, Charles	Libbie	92	10,000	5,600	7		23		18,690.00
29	Seabrook, Roads	Maggie Mac	71	10,000	5,500	7		23		18,690.00
30	Jacobson, Victor	Minnie	50	6,000	4,000	1	10	4	21	18,000.00
31	Brown, George Henry	Maud S	97.23	6,000	5,000	7		24		18,690.00
32	Munsie, William	Mary Taylor	43	4,000	3,000	5		18		16,500.00
33	" "	May Belle	58	7,000	3,000	1	10	5	20	16,500.00

34	Cox, John Graham	Maria	94	9,000	6,000	7	1	23	2	Boats 1,557, canoes 105, 1,662 seals, at 12 dollars = 19,944 dollars.
35	Sieward, Henry F	Mascot	40	4,500	2,600	5		17		12,350.00
36	Walker, Walter	Mischief	65	7,500	2,500	1	10	5	20	11,150.00
37	Jacobson, Victor	Mary Ellen	69	6,000	2,500	2	12	8	25	18,500.00
38	Steavenson, John	Mermaid	73	7,100	6,200	6		19		20,025.00
39	Manson, Michael	Minnie	11	1,500	2,000	3		8		2,000.00
40	Hall, Richard	Ocean Belle	83	8,300	4,200	8		25		12,500.00
41	Penney, J. L	Oscar and Hattie	81	9,500	5,500	7		23		23,000.00
42	Borns, Walter	Otto	85	12,000	3,500	1	10	6	20	19,800.00
43	Munsie, William	Pioneer	66	7,000	4,000	6		21		16,500.00
44	Urquhart, Donald	Penelope	70	11,000	4,000	6		22		20,000.00
45	Gray, Andrew	Rosie Olsen	39	5,000	2,500	2	8	6	16	14,154.55
46	Collins, George	Sea Lion	51	7,000	3,800	6		20		8,800.00
47	Cox, John Graham	Sapphire	124	10,000	6,000	2	14	7	28	Boats 445, canoes 1,493, 1,938 seals, at 12 dollars = 23,256 dollars.
48	Temple, William	Sadie Turpel	56.78	10,600	4,000	7		21		14,500.00
49	Cox, John Graham	Triumph	98	10,000	6,000	2	14	7	28	Boats 445, canoes 1,493, 1,938 seals = 23,256 dollars.
50	Babbington, P. A	Teresa	63.14	6,000	3,500	7		23		17,700.00
51	Manson, Michael	Thistle	147	25,000	10,000	6 sealing 2 whaling		25		20,000.00
52	Seabrook, Roads	Umbrina	98	10,000	6,582	7		23		18,690.00
53	Munsie, William	Viva	92	9,200	6,000	7		25		22,000.00
54	Urquhart, Donald	Venture	49	5,000	3,000	1	8	4	6	12,000.00
55	Rounsefelt, John	Vancouver Belle	73.03	16,500	4,000	7		23		17,000.00
56	Penny, J. L	Victoria	63.36	9,500	5,000	7		23		23,000.00
57	Laing, Andrew D	W. P. Sayward	59.70	6,000	4,000	6		19		10,000.00
58	Earle, Thomas	Walter A. Earle	67.70	8,000	5,000	7		22		14,000.00
59	Spring, Charles	Winnifred	13	1,400	1,500	4		9		15,000.00
60	Munroe, George E	Walter L. Rich	75	10,000	6,000	7		23		14,300.00
61	Cox, John Graham	W. P. Hall	98	9,000	6,000	7		24		1,557 seals, at 12 dollars = 18,684 dollars.
62	Seabrook, Roads	Willie McGowan	116	10,000	5,600	7		23		18,690.00
63	Paxton, Henry	Wanderer	25	3,000	1,500		6	3	12	7,500.00
63	Totals		4,550.48	507,700	272,109	302	238	1,007	451	

219 The preceding Tables have been compiled from the sworn statements of the persons named in the second column. As the affidavits are all in the same form, it is not thought necessary to set them out at length. The following is a copy of the Form used:

DOMINION OF CANADA, *Province of British Columbia, City of Victoria.*

I, ——— ——— of the City of Victoria, in the Province of British Columbia, and Dominion of Canada, ——— do solemnly declare:

1. That I am the ——— of the sealing schooner ——— registered at the Port of Victoria, British Columbia, and mentioned and referred to in the statement hereunder written.

2. That I have full knowledge of all the facts connected with said schooner set out in the said statement, for and in respect of the sealing season of 189 , and say that the same are true and correct.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

Subscribed and declared by the said ——— ——— before me, a Notary Public duly commissioned and residing and practising at the City of Victoria, in the Province of British Columbia, this —— day of ——— A. D. 1892.

——— ———

——— ———

A Notary Public in and for the Province of British Columbia.

This is the Statement referred to in the above solemn Declaration of ——— ———

1. Name of Vessel	
2. Tonnage	
3. Value	
4. Value of Outfit	
5. No. of Boats	
6. No. of Canoes	
7. No. white men employed	
8. No. Indians employed	
9. Estimated loss to vessel by closing of Bering Sea	

——— ———

Declarant.

[SEAL.]

——— ———

Notary Public.

220 VI.—EVIDENCE AS TO VALUE OF SEALING SCHOONERS.

CANADA, *Province of British Columbia, City of Victoria.*

I, John Steavenson, of the city of Victoria, in the Province of British Columbia, ship-owner, do solemnly declare:

1. That I am the managing owner of the British schooner "Labrador." The "Labrador" was built for me directly under my own supervision, and attached hereto, marked (A), is a true and accurate statement of the cost of the "Labrador," and in another column a true and accurate statement of the outfit and wages paid for the first sealing voyage made by the "Labrador."

2. The "Labrador" is 25.31 tons register, built of Douglas pine, iron fastened, and uncoppered.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN STEAVENSON.

Subscribed and declared by the said John Steavenson before me, a Notary Public duly commissioned, and residing and practising at the

city of Victoria, in the Province of British Columbia, this 24th day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
Notary Public.

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221 (A.)

Schooner "Labrador," 25.31 tons, built at Vancouver, British Columbia, expressly for the Behring Sea Fur-Seal Fishery, 1890–91.

Date.		Cost of Vessel, including Insurance.	Outfit, including Wages.
1890.			
Oct. 27 to 29	Telegrams	$5.65	
1891.			
Jan. 21	Insurance against fire whilst building to 30th April	7.20	
" 16	First installment on hull	600.00	
Feb. 4	Account books, &c	3.50	
Jan. 20	Ship chandler's account	2.16	
" 30	Drilling for boat-sails	9.00	
Feb. 25	Freight of windlass	0.35	
Mar. 4	Sails, cordage, oats, &c	288.23	
" 1	Powder		$55.50
" 1 to 31	Sundry freight, ballast, stores, &c	278.56	
" 1 to 31	Insurance for voyage	70.00	
" 25	20 water-casks	20.50	
" 20	Freight on stores from Halifax per C. P. R	34.13	
" 26	Pump	17.15	
" 27	7 "Parker" 10-bore guns at 60 dollars each		420.00
" 28	On account of hull, as per contract	900.00	
" 28	Fees of Registrar of Shipping	15.00	
" 28	Gray and Co., account for provisions		680.50
" 28	Chandlery	10.90	
" 28	Smithy work	12.20	
" 28	Towage and wharfage	27.50	
" 28	Rigging	20.00	
" 28	Painting name on schooner	4.00	
" 30	Hardware (on account)		100.00
" 30	Ditto, ditto		60.00
" 30	Two "mast-coats"	4.00	
April 2	On account of chronometer	92.54	
" 2	" five boats	365.00	
July 6	" charter of steamer "Danube"		29.92
" 6	Balance of ditto		50.00
" 7	Wharfage and stores		33.84
Aug. 29	Wages of captain and crew for the voyage		2,767.75
" 29	Fees of Registrar of Shipping on discharge		3.30
Sept. 12	Coal account		24.75
" 19	Wages of painter	20.00	
" 19	Balance of account for hardware		120.50
Oct. 14	" " five boats	52.50	
Nov. 2	" " hull	500.00	
" 2	" " of chronometer	57.00	
" 2	Petty cash	0.50	
" 3	Insurance (reimbursement to McAlpine of premium paid by them).	35.00	
" 20	Sealers' Association		15.00
" 26	Law costs		12.50
Dec. 12	Account for ship chandlery	331.00	
	Salt		57.00
	Provisions, &c		130.30
	Labour		10.40
	Insurance	17.20	
	Casks		13.00
	Express hire		2.50
	Insurance	23.87	
	Cartage and telegram		2.95
	Sundry insurances (premiums)	176.77	
	Repairing sails	35.50	
	Blacksmith's account	18.25	
	Interest charged in agent's account		108.61
	Anchor, to replace one lost	19.25	
	Total	4,074.41	4,700.32

(Signed) JOHN STEAVENSON, *Managing Owner.*

This is the statement marked (A) referred to in the declaration of John Steavenson, declared before me the 24th day of December, A. D. 1892.

(Signed) A. L. BELYEA, *Notary Public.*

222 CANADA, *Province of British Columbia, City of Victoria.*

I, Richard Hall, of the city of Victoria, in the Province of British Columbia, ship-owner, do solemnly declare:

1. That I am the managing owner of the hereinafter named vessels, "Geneva" and "Ocean Belle," and have in my possession all the accounts, vouchers, and books of the said vessels since the purchase of them as hereinafter set out.

2. That myself and two others bought the said "Ocean Belle" at Lunenburg, in the Province of Nova Scotia, in October 1889, for the sum of 2,475 dollars. The actual cost of fitting out, provisioning, insuring, wages, and all other charges and expenses in bringing the "Ocean Belle" from Lunenburg to Victoria was 5,892 dol. 64 c., making a total cost of the vessel at Victoria of 8,367 dol. 64 c.

3. That the "Ocean Belle" was, on arrival at Victoria, thoroughly refitted and repaired, and equipped for a sealing voyage, at a cost of 4,450 dollars. The voyage lasted six months, and cost a total of 9,556 dol. 69 c. for wages of master and crew, lay or share paid to the hunters, insurance, and incidental charges and expenses, making a total outlay of 23,074 dol. 33 c. for the vessel for the year, including her purchase price.

4. The "Ocean Belle" was built at Lunenburg in the year 1883, and is 83 tons register. She has always been kept in first-class repair, and is to-day a strong sound vessel, worth at current prices in Victoria for sealing-vessels of her class 8,200 dollars.

5. The "Geneva" was purchased by myself and associates at Lunenburg aforesaid, in October, A. D. 1890, for the sum of 2,900 dollars. It cost an additional sum of 5,250 dol. 12 c. to bring this vessel round Cape Horn to Victoria, making the cost at Victoria 8,150 dol. 12 c. The "Geneva" was built at said Lunenburg in 1884, and is 98 tons register.

6. That after arrival at Victoria the "Geneva" was repaired, put in first-class order, and outfitted for a sealing voyage in 1891. This cost for all purposes the sum of 4,600 dol. 63 c., making a total cost or expenditure, for and upon the "Geneva" as she lay ready for her voyage, 12,750 dol. 75 c. On the completion of the voyage, the sums paid for insurance, wages, lay of hunters, and incidentals amounted to 5,324 dol. 88 c., a total expenditure for and on account of the "Geneva" and her season's sealing voyage of 18,075 dol. 63 c.

7. The guns on both vessels were the Smith and Greener manufactures, the former American, the latter English, and cost something over 50 dollars each on the average.

8. Included in the cost of bringing the said vessels from Lunenburg to Victoria is the cost of coppering, both done at Lunenburg.

9. I am the Secretary of the Sealers Association of Victoria, and have a good knowledge of the sealing business carried on from this port. In 1892 the hunters were paid from a one-fifth lay on Victoria prices to 4 dollars per skin. In 1891 and 1890 the hunters were paid from a one-fifth lay to 3 dol. 50 c. per skin. In 1889 hunters were paid from 2 to 3 dollars per skin. Previous to 1889 the general rate paid to hunters was about 2½ dollars per skin. The above prices were for white hunters. Indian hunters are paid on a different plan. Indians hunt in canoes, two men to each canoe. The general rule is to allow 4 dol. 50 c. for each skin the canoe brings to the vessel. One-third of this goes to the vessel, and the remainder goes to the canoes, or 1½ dollars to each Indian employed. In addition, a bonus of 10 to 20 dollars per canoe is paid by the vessel for the season, and a donation of provisions to the fami-

lies of Indians employed, from 100 to 200 dollars in value for all. This donation is called in Chinook "Cultus Pottach."

10. That in the last two years a higher figure has been paid to Indians than the above, as well as to white hunters. As high as 6 dollars per skin has been allowed, one-third to vessel, and remainder to the canoe, or 2 dollars per man.

11. That sealing with Indian hunters is about one-third cheaper than with white hunters, but a much less number of seals is taken by Indian hunters than white hunters. As a rule, sealing men allow that one boat (white hunters) is equal to two canoes (Indian hunters). The great objection to Indians is their superstition. Often some trivial occurrence will be construed by them to presage some disaster, and they will abandon the voyage. Once they make up their minds to this they will go no further, in fact, in some instances they have destroyed spears and canoes rather than continue the voyage. The seizures in Behring Sea have greatly interfered with the employment of Indians in the sealing-schooners.

12. That since the year 1888, when I first went into the sealing business, I have known of only two cases of sealing-schooners being employed in any other pursuit except sealing. One case was that of the "C. H. Tupper," that in the winter and spring of 1889 went to the Sandwich Islands with a submarine cable outfit. I do not think the "C. H. Tupper" did any sealing that year at all.

This year the steam-schooner "Mischief" has been employed in the halibut fishery simply as an experiment. These are the only vessels since 1888 that have been out of berth from the time of arrival at the close of one season to opening of the next. As a matter of fact, there is nothing else for the sealing-schooners except sealing. There is no coast trade they can engage in, and deep-sea fishing is so far a failure, owing to the great distance from markets and great cost of transportation.

13. That, if the sealing business were stopped from any cause, the entire fleet now engaged in that pursuit would be practically valueless. It would cost more to take any one of the fleet to the North Atlantic coast than such schooner would be worth when there.

14. The cost of building the hull and spars of a fair-class sealing-schooner at Victoria is not less than 125 dollars per ton. Many of those built here cost over that.

Schooners bought in the east and brought here cost nearly as much, if no accident happen them *en route*. The class of both vessels and outfits have been greatly improved since 1888, and the capital invested per vessel when ready for sea is now double what it was in 1887. The latest and best firearms are used, and the ammunition used is the best in the market.

Most of the sealing-boats are copper fastened, strongly built, and first class in every detail.

223 15. That, in 1892, sixty-three schooners cleared from British Columbia ports for sealing voyages, exclusive of small schooners owned by Indians. Ten of these were seized, and two wrecked and lost. One of the ten seized was an Indian schooner. This year the fleet will number not over fifty-six, including new vessels.

16. That the sealing season for Victoria vessels lasts about eight months, four of which are spent on the coast, and four on the Behring Sea cruize. It takes from forty to fifty days' actual sailing to make the trip from the point where the coast sealing closes into Behring Sea and return to Victoria.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) RICHARD HALL.

Subscribed and declared by the said Richard Hall before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 22nd day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
Notary Public.

CANADA, *Province of British Columbia, City of Victoria.*

I, Charles Hackett, of the city of Victoria, in the Province of British Columbia, master mariner, do solemnly declare:

1. That I am the managing owner of the British schooner "Annie C. Moore," engaged in the fur-sealing business out of the port of Victoria aforesaid.

2. That hereunto annexed, marked (A), and certified correct by me, is a true statement of the expenditures and receipts of the voyage of the "Annie C. Moore" for the sealing season of 1891. The gross expenditure was 17,085 dol. 89 c., the gross receipts 31,919 dol. 99 c.

3. That, in the years 1889 and 1890 the expenditures and receipts were about the same as for the year 1891.

4. That the item "Wages," 8,734 dol. 65 c., includes amounts to hunters for lay.

5. That, in the month of October 1891, I purchased at the port of Shelbourne, in the Province of Nova Scotia, the British schooner "Libbie," 92 tons register, one year old, for the sum of 3,175 dollars. After purchase I had the "Libbie" coppered, and put in first class repair and order for the voyage to Victoria. This, together with the provisioning and ship supplies for the voyage, cost a total of 4,118 dol. 69 c.; a total cost of 7,293 dol. 69 c. when the vessel was ready to sail for Victoria.

The voyage out cost as follows:

Insurance	$292.00
Wages of crew	421.25
Wages of captain	400.00
	1,113.25

making a total cost on arrival at Victoria of 8,406 dol. 94 c.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) CHAS. HACKETT.

Subscribed and declared by the said Charles Hackett, before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 23rd day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

CANADA, *Province of British Columbia, City of Victoria.*

I, John Clark, of the city of Victoria, in the Province of British Columbia, ship-builder, do solemnly declare:

1. That in the years 1891 and 1892 I built the sealing-schooner "Enterprise," 69 tons, registered at the port of Victoria aforesaid.

2. That the cost of the "Enterprise," when completed and ready for her sealing outfit, was 9,500 dollars, or over. I also built in the same years the sealing-schooner "Victoria," for 9,000 dollars. The "Enterprise" is larger and in every way a better built and stronger vessel, and worth more than the difference in cost between her and the "Victoria." The "Enterprise" is copper-fastened, coppered, and in every respect a first-class vessel for the purpose she was intended. Her market value at Victoria is not less than 10,000 dollars. An ordinary sealing-schooner, uncoppered, can be built at Victoria for from 100 to 120 dollars per ton carpenters' measurement, and when copper-fastened and coppered, and built generally of better material and workmanship, at from 125 to 150 dollars per ton, same measurement, exclusive in both cases of rigging and sails.

224 And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN CLARK.

Subscribed and declared by the said John Clark before me, a Notary Public commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 23rd day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

CANADA, *Province of British Columbia, City of Victoria.*

I, Victor Jacobson, of the city of Victoria, in the Province of British Columbia, master mariner and ship-owner, do solemnly declare:

1. That I am the owner of the schooner "Minnie," 49 tons, registered at the port of Victoria aforesaid. I had the hull of the "Minnie" built by contract for 3,000 dollars. I sparred, rigged, and furnished the vessel myself, and when completed she had cost me a little over 6,000 dollars. This was in 1888 and 1889. I fitted and equipped the "Minnie" for sealing in 1889, at an additional cost of about 4,500 dollars.

2. That neither the "Minnie" nor the "Mary Ellen," both owned by me, have ever been in any other trade except sealing, nor do I know of any other sealing-schooner that has been. If the sealing trade were to collapse the Victoria fleet would be worth little or nothing. There is nothing on the Pacific coast such a class of vessels can do except sealing.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) VICTOR JACOBSON.

Subscribed and declared by the said Victor Jacobson before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 23rd day of December, A. D. 1892.

[SEAL.] (Signed) A. L. BELYEA, *Notary Public.*

CANADA, *Province of British Columbia, City of Victoria.*

I, John Lambert Penney, of the city of Victoria, in the Province of British Columbia, trader, do solemnly declare:

1. That I am the Managing Director of the Pacific Sealing Company (Limited), of Victoria, British Columbia, and have full knowledge of all the matters hereinafter stated and referred to.

2. That the said Company are the owners of the schooner "Victoria," built for said Company at Victoria in the early part of 1892.

3. That the contract price for the "Victoria," including hull, spars, sails, and rigging, was 8,550 dollars. That, in addition, there was paid to the builders for extras, cost of model and inspection, the sum of 450 dollars, and for ship furniture the sum of 500 dollars, making a total cost of 9,500 dollars.

4. That the "Victoria" was fitted out in 1892 for a sealing voyage at a cost of 5,000 dollars (in round numbers), made up as follows:

6 sealing-boats, at 100 dollars	$600.00
1 ship's boat	85.00
14 guns, at 60 dollars	840.00
1 rifle	15.00
Provisions and other supplies	3,460.00
Total	5,000.00

5. That the said Company are the owners of the sealing-schooner "Oscar and Hattie," bought in San Francisco by me in 1890 for the sum of 7,500 dollars.

The total cost of the "Oscar and Hattie" at Victoria was 9,500 dollars, made up as follows:

Purchase price	$7,500.00
Expenses and commission of purchase	500.00
Alterations, repairs, and fittings for sealing purposes	750.00
Canada customs duty 10 per cent	750.00
Total	9,950.00

In addition there was put on the "Oscar and Hattie" for sealing purposes the following:

Water-tanks	$570.00
7 boats	685.00
14 guns, at 60 dollars each	840.00

making a total cost for the "Oscar and Hattie," when ready for receiving provisions and stores for sealing, the sum of 11,595 dollars.

225 6. That neither of the said vessels have ever been used for any other purpose than sealing, and, in fact, there is no other trade or use they can be put to on this coast. They are too small for either the coal or lumber trade, and there is no fishing trade worthy of mention in which these vessels could engage. Without the sealing, the sealing fleet of British Columbia would be on the owners' hands almost worthless. Already the values of sealing vessels at Victoria are somewhat depreciated by the closing of Behring Sea under the *modus vivendi*, and the course pursued by the Russian Government last season (1892) on the Copper Island grounds.

7. That, for a catch of 2,000 seal-skins per season of eight months, it will cost to pay the crew and hunters of either the "Victoria" or "Oscar and Hattie" 13,000 dollars at least, made up as follows:

Captain, at 50 dollars per month	$400.00
50 cents per skin on 2,000 skins	1,000.00
6 hunters, at 3 dol. 50 c. per skin	7,000.00
Mate, at 45 dollars per month	360.00
13 seamen, at 30 dollars per month	3,120.00
1 boy, at 15 dollars per month	120.00
Cook, at 65 dollars per month	520.00

The cost of provisions for such a voyage would be about 3,500 dollars, the ammunition included. The annual cost of repairs to vessel, boats, and guns runs from 800 to 1,000 dollars. Sealing-boats last from three to four years, and guns are generally sold at from a quarter to one-third of original cost at the end of four or five years, and replaced by new ones. Insurance on vessel and cargo costs at the rate of 7 per cent. per annum.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JNO. L. PENNEY.

Subscribed and declared by the said John Lambert Penny before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
Notary Public.

CANADA, *Province of British Columbia, City of Victoria.*

I, George Henry Brown, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am the managing owner of the hereinafter-mentioned sealing-schooners "Maud S." and "Agnes McDonald," both registered at the port of Victoria.

2. That I am a member of the firm of Brown Brothers, who purchased the said vessels at Halifax, in the Province of Nova Scotia, and have full knowledge of the facts hereinafter set forth.

3. That the said schooner "Maud S." was purchased at Halifax, in the Province of Nova Scotia, in October A. D. 1890, for the sum of 3,200 dollars. After purchase there was spent upon the hull and for the proper and necessary equipment of the said schooner for a voyage from Halifax, viâ Cape Horn, to Victoria, the sum of 2,530 dollars.

4. That the actual expenditure for the voyage, which occupied about five and one-half months, in addition to the above sum, was made up as follows, namely:

Insurance	$210.00
Provisions	721.00
Wages	985.00
Total	1,916.00

making the total cost of the "Maud S.," on arrival at Victoria, 7,646 dollars.

5. That to this must be added the allowance for wear and tear, which in ordinary cases is put at 10 per cent. of the cost of the hull and equipment.

6. That the "Maud S." is five years old, 97 tons, and is the cheapest vessel of her class and tonnage in the sealing fleet of Victoria.

7. That the said schooner "Agnes McDonald" was purchased at Halifax aforesaid, in October A. D. 1891, for the sum of 6,200 dollars. To prepare this vessel for the voyage to Victoria there was spent upon hull and equipment the sum of 2,607 dol. 11 c. The actual expenses of the voyage, which lasted about five months, were as follows, namely:

Insurance	$400.00
Provisions	918.35
Wages	1,169.25
Making a total of	2,487.60

and bringing up the total cost of the "Agnes McDonald," exclusive of wear and tear, to the sum of 11,294 dol. 71 c.

8. The "Agnes McDonald" is less than two years old, 107.09 tons, built for a Government fishery cruizer on the Atlantic coast and cost, when first ready for service, about 9,000 dollars.

9. That immediately upon the arrival of the "Maud S." at
226 Victoria in 1891, she was fitted up and equipped for a sailing voyage. The total sum expended in such fitting up and equipment amounted to 4,653 dol. 82 c., made up as follows:

On hull and equipment	$1,137.55
Insurance	210.00
Provisions	1,242.16
Ammunition	374.80
Guns	773.25
Boats	916.06
Making, as the cost of outfitting for the sealing voyage, a total sum of	4,653.82

10. That the "Maud S." sealing voyage in 1891 lasted five months, and upon her return to port there was paid to the master and crew in cash, for wages, the sum of 3,250 dollars. In addition to this, the hunters, six in number, were paid for their services at an average rate of 2 dol. 90 c. per skin for the number of skins caught, and the master, in addition to his monthly wages, was paid 50 cents per skin on the total catch of the vessel.

11. That the cost of fitting out the "Agnes McDonald" for the sealing season of 1892, after her arrival at Victoria, amounted to 5,448 dol. 25 c., made up as follows, namely:

On hull and equipment	$1,240.13
Insurance	742.85
Provisions	1,233.72
Ammunition	555.40
Guns	800.50
Boats	875.65
Making a total of	5,448.25

The wages paid in cash to the master and crew on the return of the "Agnes McDonald" from her sealing voyage amounted to 3,226 dol. 41 c., and the amount paid to the hunters for their "lay," or share, was 3,852 dollars; this included 50 cents per skin to the captain. The actual running expenses of the "Agnes McDonald" on her sealing voyage aforesaid, exclusive of ammunition, cost of guns or boats, averaged the sum of 1,278 dol. 22 c. per month.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEO. HENRY BROWN.

Subscribed and declared by the said George Henry Brown before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 20th day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
Notary Public.

CANADA, *Province of British Columbia, City of Victoria.*

I, George Collins, of the city of Victoria, in the Province of British Columbia, ship-owner, do solemnly declare:

1. That I am the owner of the British vessel "Sea Lion," registered at the port of Victoria aforesaid.

2. That I had the "Sea Lion" built under my own supervision, in the fall of 1889. The total cost of the "Sea Lion," when ready for sea, without sealing outfit, was 6,500 dollars, exclusive of my own services. In the fall of 1890 I had the "Sea Lion" put upon the ways, recaulked and coppered, at a cost of 1,000 dollars. This vessel is copper-fastened throughout, strongly built, and is first-class in every respect.

3. That I sent the "Sea Lion" to San Francisco in January 1890 for the purpose of fitting her out at that port for a sealing voyage. At that time I could not get either boats or guns of the kind I wanted at Victoria. At San Francisco I got a complete sealing outfit, and provisioned the "Sea Lion" for the season at a cost of 4,300 dollars. When the "Sea Lion" sailed out of San Francisco about the 1st February, she had cost me in cash over 11,000 dollars. She carried five boats and nineteen men, and brought to Victoria in October, about the 10th, 1,815 seal-skins. The voyage yielded me a net profit of 14,000 dollars.

4. The "Sea Lion" is built expressly for sealing, and would be practically valueless for any other purpose. There is no business on the Pacific coast for which any of the sealing vessels are suitable, and the closing of the business would render the whole fleet about worthless.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) GEO. COLLINS.

Subscribed and declared by the said George Collins before me, at the city of Victoria, in the Province of British Columbia, this 22nd day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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227 CANADA, *Province of British Columbia, City of Victoria.*

I, John Graham Cox, of the city of Victoria, in the Province of British Columbia, merchant, do solemnly declare:

1. That I am a member of the mercantile firm of E. B. Marvin and Company, the owners of the hereinafter named sealing-schooner "Carlotta G. Cox," and I am the managing owner thereof.

2. The said "Carlotta G. Cox" was built in the latter part of the year 1890, and completed in the early part of 1891, at the ship-yard of O. R. Marner, in this city.

3. That the contract price for the hull and spars of the said schooner was 5,600 dollars. The cost of rigging, sails, and general equipment, exclusive of the special requirements for sealing purposes, was 2,882 dol. 87 c., and the cost of coppering to load-line mark was 1,020 dol. 7 c., making a total cost of the "Carlotta G. Cox," when ready for her sealing outfit, of 9,502 dol. 94 c.

4. The said schooner carried on her sealing voyage for 1892 six boats, which cost 581 dollars, nine shot-guns (Parker's), costing 617 dol. 50 c., and one rifle costing 18 dollars. The ammunition put on board cost 406 dol. 63 c., and the provisions 2,579 dol. 1 c. Insurance for the

voyage cost 986 dol. 80 c.—a total for these items of 5,188 dol. 94 c. The "Carlotta G. Cox" thus cost, when ready for sea on her sealing voyage for 1892, the sum of 14,691 dol. 88 c.

5. That on the return of this vessel to port at the close of the season 1892 there was paid to the crew and hunters—twenty-three men all told—the sum of 14,814 dol. 13 c.

6. That in the fall of the year 1887 I purchased at Halifax, in the Province of Nova Scotia, the schooner "Sapphire," two years old, and 108 tons net, now registered at Victoria aforesaid. That appended hereto, marked (A), is a true statement of the cost of this vessel when ready for sea at Victoria, and also of the expenditure for and upon her first sealing voyage in 1889.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) JOHN G. COX.

Subscribed and declared by the said John Graham Cox before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 24th day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
Notary Public.

(A.)

Cost of Schooner "Sapphire," Victoria, British Columbia.

Cash paid at Halifax		$3,800.00
Disbursements at Halifax		380.49
Outfitting, sails, gear, copper, &c., at Halifax—		
Staces, Son, and Co	$2,564.08	
Provisions, Muir and Co	451.73	
		3,015.81
Rio de Janeiro disbursements		111.83
San Diego disbursements		733.98
Victoria, British Columbia—		
Including crew's wages		1,025.99
Including captain's wages		925.32
Insurance, Halifax to Victoria, 3½ on 6,000 dollars		210.00
Repairs—		
Cost of repairs in Victoria, British Columbia	1,878.16	
Less received from Insurance Company	1,318.89	
Loss		559.37
Total cost, ready for sea		10,762.69

(Signed) JOHN G. COX.

228 *Schooner "Sapphire," Victoria, British Columbia, one Season's Disbursements.*

Wages paid Indians	$13,696.20
" crew	3,666.87
Insurance	1,393.41
Port expenses, watchman, &c	240.85
Labour	224.25
Ship chandlery	1,583.28
Provisions	2,132.62
Hardware	124.12
Sundries	313.33
Guns	114.75
Ammunition	112.47
Towage	118.50
Freight	214.42
Sailmakers	654.02
Shipwrights	211.00
Slop account, clothes, boots, &c	623.45
Lumber	39.45
Boats	80.00
Total expenditure	$25,542.99

(Signed) JOHN G. COX.

This is the statement marked (A) referred to in the declaration of John Graham Cox, declared before me this 24th day of December, A. D. 1892.

(Signed) A. L. BELYEA, *Notary Public.*

CANADA, *Province of British Columbia, City of Victoria.*

I, William Turpel, of the city of Victoria, in the Province of British Columbia, ship-builder, do solemnly declare:

1. That I have been in the business of ship-building for fourteen years at the city of Victoria, British Columbia.

2. That during the last ten years I have been almost wholly engaged in repairing, rebuilding, and building sealing-schooners belonging to the Victoria fleet. The first sealer I built was the "May Belle," 58 tons register. I launched the "May Belle" from my yard in March 1891. I built the hull and furnished spars, rigging, and sails for 7,000 dollars. I lost money on her, about 600 dollars, on my contract to build her.

3. That in the year 1891 I built for myself the sealer "Sadie Turpel," 56 tons register. The "Sadie Turpel" cost, when ready to receive her sealing outfit, the sum of 10,500 dollars. The "Sadie Turpel" cost a trifle more than other vessels I have built of the same tonnage, for the reason that she is a stronger built vessel, and nothing but first-class material went into her construction.

4. The sealing outfit of the "Sadie Turpel" for 1892 cost a little over 4,000 dollars, and the wages of crew and hunters' share, 4,558 dol. 98 c. Other charges and supplies brought the cost of the voyage up to 8,782 dol. 87 c.

5. That during the last ten years I have not known any sealing-vessels, except one or two, as hereafter stated, to engage in any other kind of business or trade than sealing. In fact, there is nothing else for them to do, and without the sealing the fleet would be mostly useless and valueless. The sealers I have known to engage in other work than sealing are the "Mischief," a small steam-schooner, this year engaged in halibut fishing as an experiment, and a trip the "C. H. Tupper" made to the Sandwich Islands with a submarine cable outfit. The whole fleet remains in Victoria Harbour from the close of one sealing season to the opening of the next.

6. That no vessel suitable for the North Pacific sealing business, of good average strength and workmanship, can be built at Victoria or any other place in British Columbia for less than 150 dollars per ton. Wages are fully three times as high as in eastern ship-yards, and all kinds of materials cost from two to three times as much as in the east. But for the great cost and risk of bringing vessels from the east around Cape Horn to Victoria, we could not at all compete with eastern-built vessels in the sealing business.

7. That I have repaired on arrival here nearly all the eastern schooners brought here for sealing, and have a good knowledge of what they are worth in this market on arrival here. The average eastern schooner at Victoria is worth about 10 dollars per ton less than the same class of vessel built at Victoria is.

8. That the class of vessels used for sealing has been improving every year of the last ten years, and is still improving. To have first-class vessels, with first-class outfits, is now the aim of all sealing men.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) WM. TURPEL.

Subscribed and declared by the said William Turpel before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 23rd day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

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229 CANADA, *Province of British Columbia, City of Victoria.*

I, Thomas Harrold, of the city of Victoria, in the Province of British Columbia, master mariner and ship-owner, do solemnly declare:

1. That I am the owner of the sealing-schooner "Aurora," 41 tons, registered at the port of Victoria aforesaid.

2. That I and another man named Adolph Wassburg built the "Aurora" in 1887 and 1888 at Plumper's Pass, in British Columbia. She cost us when completed 6,000 dollars—a few dollars more or less. She is built of Oregon pine, galvanized iron fastenings, but not coppered. I have kept the "Aurora" in good repair, and expended considerable money in strengthening and improving both hull and equipment.

3. That I have never used her for any purpose except fur-seal hunting, for the reason there is nothing else on this coast for vessels of her size and class to do. Except for sealing the "Aurora," like the rest of the fleet of sealers, is next to worthless.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of "The Act respecting Extra-Judicial Oaths."

(Signed) THOMAS HARROLD.

Subscribed and declared by the said Thomas Harrold before me, a Notary Public duly commissioned, and residing and practising at the city of Victoria, in the Province of British Columbia, this 23rd day of December, A. D. 1892.

[SEAL.] (Signed) ARTHUR L. BELYEA,
A Notary Public in and for the Province of British Columbia.

230 VII.—DECLARATIONS BY MEMBERS OF THE FUR TRADE.

No. 1.

Declaration of Mr. Richard Henry Poland.

I, Richard Henry Poland, of No. 110, Queen Victoria Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I was formerly a partner in the firm of Messrs. P. R. Poland and Son, of 110, Queen Victoria Street, aforesaid, which has been established since 1784. I have lately retired from business; prior to my retirement I had been engaged in business for fifty-four years.

2. My house in the course of their business have dealt in very large quantities of seal-skins, and I am, therefore, I may say, very familiar with these skins. There are three chief classes of seal-skins dealt with in the London market, viz., Alaskan skins, Copper Island skins, and what is known as the north-west catch.

3. As regards the difference between Copper and Alaskan skins, I have always considered that the chief difference was that Alaskan fur was a better quality, that is to say, denser than the fur of the Copper Island seals. This is the difference which makes the Alaskan skins fetch more in the market than Copper skins. The difference in price is also, I think, influenced by the fact that the people responsible for slaughtering the animals on the Pribyloff Islands are more successful and skilled in flaying, curing, and selecting than the Copper Island people.

4. There are also other differences between the Coppers and Alaskans, viz., the difference in colour of fur, the fur of the Coppers being on the whole of a more bronzey-yellow colour than the Alaskan.

5. Any other differences besides those I have mentioned, such as length of the fur and shape of the skin, are very trivial, and hardly noticeable. In fact, I do not consider there is any difference in point of shape at all.

6. In inspecting the shipments made through Messrs. Lampson from the Pribyloff Islands, I have from time to time noticed the presence amongst them of skins which were undistinguishable from Copper Island skins, and also in the same way I have noticed amongst Copper Island consignments skins which are evidently of the Alaskan description. I have also noticed skins in both classes which in a lesser degree resemble the other class.

7. I have never considered at all the question of what regulations are necessary. I have not sufficient information to enable me to form any judgment on the subject, but I should not approve of any regulations which would totally put an end to the north-west catch. This would, in fact, be creating a monopoly in the lessees of the islands, and would, in my opinion, be injurious to the fur trade business. The natural tendency of all monopolists is to lessen the output, and so raise the price in the market.

(Signed) R. H. POLAND.

Declared by the within-named Richard Henry Poland, at No. 110, Queen Victoria Street, in the City of London, this 29th day of November, 1892.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

No. 2.

Examination of Léon Révillon, on his Deposition sworn on the 26th June, 1892, and appearing at p. 589, United States Case, Appendix, vol. ii.

1. Q. I desire to ask you, Mr. Révillon, for an explanation of certain points which arise on your deposition made in June last. Have you any objection to my doing so?—A. Certainly not; I have no interest or bias either way, and I desire to put at the disposal of both parties any information I have.

2. Q. The first point on which I desire an explanation is as to the statement in your deposition that "you have often heard, and from different sources, that the majority of the north-west skins are the skins of the female seal." As a matter of fact, Mr. Révillon, have you, in the course of your business, to consider the question of sex at all?—A. No; we never buy or sell by sex. It is never mentioned in any sale catalogue. We buy in lots, which are made up according to sizes, such as middlings and smalls, large pups, small pups, &c.

3. Q. Any of these lots, then, may contain both male and female skins?—A. Yes.

4. Q. The question of sex, therefore, is not an element which you consider in the price, and is one which you never have to consider?—A. That is so.

5. Q. The next point, Mr. Révillon, is as to the last paragraph of your deposition, of which the marginal note reads: "If pelagic sealing is not stopped Alaska fur-seals will disappear." Does that marginal note fairly represent what you meant to convey?—A. No, I do not think it does. I did not intend to convey that I was in favour of any particular way of regulating the question. All that I meant to say was, that if what I heard was true I thought some sort of Regulation was necessary for the protection of the seals.

231 6. Would not the total suppression of all the pelagic sealing have the effect of giving the Company leasing the islands an absolute monopoly of the business in this class of seals?—A. This might be so; I do not know.

7. Q. Well, assuming that that would be so, do you think it would be a result that would be beneficial to the fur-seal business?—A. It depends how the monopoly is managed, but speaking generally, I am against monopolies, and in favour of a free market. I think monopolies injure the progress of business.

We, Léon Révillon, of No. 135, Queen Victoria Street, in the City of London, and of No. 79, Rue de Rivoli, in the City of Paris, and Charles Russell, of No. 37, Norfolk Street, in the County of London, Solicitor, solemnly and sincerely declare as follows:

The above is a correct report of the interrogatories addressed by the said Charles Russell to the said Léon Révillon, and of the answer of the said Léon Révillon to such interrogatories.

And I, the said Léon Révillon, for myself, say that I am the same person as Léon Revillon a copy of whose deposition made on the 26th June, 1892, appears at p. 589 Appendix of United States Case, vol. ii; and I further say that the statements contained in my answers to the above interrogatories are true to the best of my knowledge, information, and belief.

And we, the said Léon Révillon and Charles Russell, make this declaration, conscientiously believing the same to be true, and by virtue of "The Statutory Declaration Act 1835."

(Signed) LÉON RÉVILLON.
CHARLES RUSSELL.

Declared by both the above-named declarants at De Keyser's Royal Hotel, in the City of London, this 24th day of November, 1892.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

No. 3.

Declaration of M. Léon Révillon.

Je, soussigné, Leon Révillon, négociant en fourrures, demeurant à No. 77, Rue de Rivoli, Paris, déclare solennellement et sincèrement ce qui suit:

1. C'est moi, le susdit Léon Révillon, qui ai signé la déclaration portant la date du 26 Juin, 1892, mentionnée dans le compte rendu de cette affaire aux pages 589 et suivantes du livre intitulé, "Appendix to the Case of the United States," vol. ii.

2. En ce qui concerne la différence entre les peaux de phoques ou loutres dites "Coppers," et celles dites "d'Alaska," j'ai toujours été d'avis que la différence principale consistait en ceci, que la fourrure dite "d'Alaska" était d'une qualité supérieure, c'est-à-dire, plus épaisse que celle des phoques dite de "Copper." C'est à cause de cette différence que les peaux dites "d'Alaska" se vendent plus cher sur le marché que celles dites de "Copper." Cette différence de prix est aussi influencée, je crois, par le fait que ceux qui font abattre les animaux aux Iles Pribyloff ont plus de succès et d'habilité dans le dépouillement, la salaison, et le choix des animaux que leurs confrères de "Copper Island." Il y a aussi d'autres différences entre les "Copper" et les "Alaska," savoir, la différence de couleur de la fourrure, celle des "Coppers" étant généralement d'une couleur un peu plus bronze-jaunâtre que les "Alaska."

3. Toutes autres différences que celles indiquées ci-dessus, telles que la longueur de la fourrure et la forme des peaux sont très insignifiantes, et à peine à remarquer. En effet, je ne suis pas d'avis qu'il y ait une différence de forme appréciable.

4. En examinant les peaux envoyées des Iles Pribyloff par l'intermédiaire de MM. Lampson de Londres, j'ai remarqué de temps à autre qu'il se trouvait parmi elles des peaux qu'on ne pouvait pas distinguer de celles venant de "Copper Island," et j'ai également observé dans les envois provenant de "Copper Island" des peaux qui sont en toute apparence de la description de celles dites "d'Alaska." J'ai remarqué aussi que dans chaque classe des peaux il y en avaient qui ressemblaient dans un moindre degré à l'autre classe.

(Signé) LÉON RÉVILLON.

Signé et déclaré par-devant moi, à Paris, le 28 Décembre, 1892.

[CACHET.] (Signé) G. AUSTIN TAYLOR,
Pro-Consul Britannique.

No. 4.

Declaration of M. Stanislas Révillon.

Je, soussigné, Stanislas Révillon, établi fabricant de fourrures à Paris, 89, Rue des Petits-Champs, depuis 1857, expert près des Douanes Françaises depuis de longues années, et visitant assidûment les marchés de Londres et les foires Russes et Asiatiques, déclare avoir remarqué dans les lots de loutres (en Anglais "fur-seals") exposés et vendus sur le marché Anglais, que très souvent parmi les diverses espèces, soit de "Copper Island" ou "d'Alaska," il y avaient des types qui différaient de la sorte annoncée.

232 Cette différence doit provenir des mélanges produits par les migrations de ces animaux d'un point à l'autre.

En résumé, je crois que les phoques ou loutres sont comme bien d'autres espèces d'animaux que émigrent parfois, soit pour leur nourriture ou pour toute autre cause que j'ignore.

(Signé) S. RÉVILLON.

Signé et déclaré à Paris, ce 28 Décembre, 1892.
Par-devant moi:
[CACHET.] (Signé) G. AUSTIN TAYLOR,
Pro-Consul Britannique.

No. 5.

Declaration of Mr. William Henry Smith.

I, William Henry Smith, of No. 10, Watling Street, in the City of London, do solemnly and sincerely declare as follows:

1. I am a member of the firm of George Smith and Sons, wholesale furriers. The firm has been in existence for ninety-two years, and I have been a partner of the firm for upwards of thirty-five years. My firm, as wholesale furriers, buy every year a large number of seal-skins. We purchase them in the raw state in which they come from the place where they are caught. We have them dressed and dyed by some London dresser, and we then convert them into articles for sale to the public. Having been engaged in this business for the number of years above mentioned, I am familiar with the different kinds of seal-skins sold. There are three chief classes of skins—Alaskas, Coppers, and north-west catch. The difference between the Coppers and Alaska skins, in my opinion, lies mainly in the length and quality of the fur, the Alaska fur being somewhat longer and somewhat denser than the Coppers. The sizes of the Alaska seals, in my opinion, run a little larger than the Copper. Other differences, if any, such as colour and shape, are trivial, and, in fact, I have not observed them.

2. As regards the sex of the seal, I have never considered this matter at all, and I could not give any estimate as to the proportion of females and males in the north-west catch. The question of sex does not enter into business calculations in any way. We buy according to the usual sizes given in the catalogue, and commonly known as "middlings" and "smalls," "large pups," "small pups," &c.

3. I am of opinion, if the reports I hear and read are correct, that some regulations are necessary for preserving the seals. What those regulations should be I have not got sufficient information to justify me

in giving any opinion. I should not, however, be in favour of any regulations which would altogether put an end to the north-west catch, and which would confine the taking of seals to the islands owned by the Companies, as this, it seems to me, would place the control of the fur-seal trade entirely in the hands of those Companies. I think that the existence of a monoply such as would thus be created would not be beneficial to the fur-seal trade.

And I make this declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) WILLIAM HENRY SMITH.

Declared by the above-mentioned William Henry Smith at the Foreign Office, London, this 26th day of November, 1892.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

No. 6.

Examination of Mr. Henry Moxon, of the Firm of Culverwell, Brooks, and Co., on his Deposition sworn in June, 1892, for the United States, but which has not been printed in the Appendix to the United States Case.

Q. I believe, Mr. Moxon, that you made a deposition at the request of the gentlemen representing the United States in June last?—A. Yes; I did.

Q. Is this a copy of the Declaration you then made?—A. It is.

Q. Will you please sign it for the purposes of identification?

(Mr. Moxon signed the document.)

Q. Who supplied you with that copy?—A. The gentleman who took my deposition. I forget his name.

Q. You are a partner in the firm of Culverwell, Brooks, and Co?—A. Yes; I am.

Q. That firm has been established upwards of seventy years?—A. Yes.

Q. They are brokers in hides, furs, and skins of various sorts?—A. Yes.

Q. How long have you been personally in business?—A. About thirty-three years.

Q. How long has your firm been connected particularly with the seal-skin business?—A. More or less, of course, since its establishment, but particularly in the case of north-west seals during the last eight years.

Q. That would be from about 1884. You do not do any business in Commander Islands or Pribyloff skins?—A. No, except that I sold the whole of the island catch of 1870 for Messrs. Rothschild, to whom it was consigned.

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Q. Your business is now entirely confined to what is called the north-west catch?—A. Yes.

Q. When did the north-west catch first assume any important dimensions?—A. In 1886.

Q. Will you explain to me, please, what, in your opinion, was the cause of the sudden growth of this catch?—A. Mainly the opening of the London market by the facility for transit of the goods by the Canadian Pacific.

Q. How did the opening of the Canadian Pacific open the London market?—A. It enabled them to consign the catches to brokers direct for sale instead of, as they were formerly compelled to do, sell on the spot to dealers who of course only gave ruinous prices, which did not yield a large enough profit to encourage pelagic sealing.

Q. Then since 1886 it has been the habit of the majority of schooner owners to consign direct to a London broker?—A. The majority, yes.

Q. What are the names of the brokers to whom they chiefly consign?—A. My firm have had the bulk of the consignments. Messrs. Lampson have also had a certain proportion, but Messrs. Lampson's consignments are not from the sealers direct, but from dealers who have bought them on the spot from the schooners.

Q. Have you ever had to consider the proportion of females in the north-west catch?—A. Not until this question arose, because prior to that no distinction was ever made, either in buying skins or in selling them. They are simply sorted in quality and size, and not for the question of sex.

Q. Have you, with the view to informing yourself on the question, lately examined any consignments of north-west seal-skins?—A. Yes, last week; I went carefully through a parcel of 2,000, and came to the conclusion that the percentage of females did not exceed 75 per cent. at the most.

Q. Have you ever had to consider the question of what regulations would be advisable?—A. Yes; I have considered the matter a good deal, and recently this year on visiting the Columbian coast I made special inquiry into the matter, and the conclusion I have arrived at is that seal killing on the Pribyloff Islands should be absolutely stopped, and sealing confined to the sea.

Q. Will you state the reasons why you come to that conclusion?—A. I think that the seals on their breeding grounds should be undisturbed, and that the grounds themselves should be protected from disturbance of any kind either on shore or by raiding. The one thing essential is to have an absolutely quiet and isolated breeding ground.

Q. Have you not heard it alleged that pelagic sealing is a wasteful method because of the number of seals that are wounded and sink before they can be picked up?—A. I have heard that reported, but the result of my conversation with a large number of old sealers and experienced men in Victoria is quite contrary, and I am convinced that not more than one in seven is lost. Certainly, a skilled hunter would not lose more.

Q. You have also no doubt heard, Mr. Moxon, that pelagic sealing is alleged to be a wasteful method, on the ground that a great number of gravid females are killed?—A. Yes, I have. Any regulation which would stop this would have my approval, provided there was a corresponding regulation to limit the excessive killing of males on the islands. But as a matter of fact, the number of gravid females killed is grossly exaggerated. In the fall-catch, that is, the catch in July to August, I have examined the skins, and am prepared to say there are none at all. As regards the spring catch, the percentage given includes female pups too young to bear.

Q. What proportion of the whole year's catch does the fall-catch represent?—A. About one-half.

Q. As regards the trade generally, Mr. Moxon, do you think they would view with approval the total suppression of pelagic sealing?—A. Certainly not.

Q. Why would they not?—A. Because by that means a complete monopoly in the article would be established.

Q. What are the objections to such a monopoly?—A. That the Company would then have the sole control of the supply of these seals to the world, and could force up and maintain prices to any level they wished by regulating the supply to suit themselves.

Q. Have you ever known an instance of the prices being raised in this way?—A. There is an example in 1883 before pelagic sealing was an important factor. Messrs. Lampson, on the Catalogue of March 1883, placed a notice in red ink to the effect that catch would in the coming season be reduced by 40,000 skins; prices, of course, thereupon promptly rose, and also one can see what can be done in this direction by comparing the prices in 1889, when the supply was 100,000, viz., 67*s.* per skin, and 1890 when there were only 20,000, and the price went up to 146*s.* per skin.

Q. In whose hands is the sale and disposal of the Pribyloff and Copper Island catches in this country?—A. Entirely in the hands of Messrs. Lampson. They have the monopoly of it and not only the sale and disposal of them, but also practically the dressing and dyeing carried on by Messrs. Martin and Co.

Q. Are Messrs. Martin and Co. any connections of Messrs. Lampson and Co.?—A. Yes; Messrs. Martin and Co. were established in business by Messrs. Lampson's capital. Mr. Tiechman, now a partner in Lampson's, was formerly a partner in Martin's, and in point of fact Messrs. Lampson now make no secret of the connection, and in their conditions of sale they state as follows:

That C. M. Lampson and Co., being partners in the firm of C. W. Martin and Sons, agree to consider any skins placed in the hands of that firm for manufacturing purposes as being still in their own custody, on condition, however, that the skins shall not be drawn away from the Cold Store to the Alaska factory until Messrs. C. W. Martin and Sons are ready to commence manufacturing them.

Q. Do they in any way compel purchasers, then, to send their skins to Martin's?—A. Practically they do; that is, they offer special inducements, as you see, to people to do so; and they often sell lots subject to being dressed by Martin's.

234 Q. They appear, therefore to have a considerable hold over the market?—A. They have; but, of course, the north-west catch keeps the balance somewhat, and that is why I think the trade would seriously object to its disappearance.

We, Henry Moxon, of No. 27, St. Mary Axe, in the City of London, and Charles Russell, of No. 37, Norfolk Street, in the county of London, Solicitor, solemnly and sincerely declare as follows:

The above is a correct report of the interrogatories addressed by the said Charles Russell to the said Henry Moxon, and of the answers of the said Henry Moxon to such interrogatories.

And I, the said Henry Moxon, for myself, say, that I am the same person as Henry Moxon who made a deposition in June 1892 for the United States, but which has not been printed in the Appendix to the United States Case, a copy whereof, supplied me by the United States Agent, is now produced as an Exhibit, marked (A). And I further say that the statements contained in my answers to the above interrogatories are true to the best of my knowledge, information, and belief.

And we, the said Henry Moxon and Charles Russell, make this declaration conscientiously believing the same to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) H. Moxon.

Declared by the above-named Henry Moxon, at No. 27, St. Mary Axe, in the City of London, this 30th day of November, 1892.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

(Signed) C. RUSSELL.

Declared by the above-named Charles Russell, at the Foreign Office, London, this 30th day of November, 1892.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

Deposition of Mr. Henry Moxon.

Mr. Henry Moxon, being duly sworn, doth depose and say:

That he is 51 years of age, and a subject of Her Britannic Majesty. That he is a member of the firm of Culverwell, Brooks, and Co., which has been established upwards of seventy years in business as brokers in hides, furs, and skins of various kinds, and is still engaged in the transaction of same business.

That deponent has been engaged in that business personally thirty-two years, and during the whole of that period has been in the habit of dealing in skins of the fur-seals as broker. That by reason of that fact, he has a general knowledge of the history of the business and character of the skins coming to market.

That for many years last past it is a fact that skins of the fur-seal coming to the London market have been described under the following main heads:

Firstly. What is known as the Alaska catch, which deponent understands are the skins of seals caught on the Pribyloff Islands in the Behring Sea.

The Copper Island skins, as deponent understands, are the skins of seals killed upon the Russian islands.

What are called the north-west catch are the skins of seals killed, for the most part in the open Northern Pacific, including the Behring Sea.

That there are also a small number of skins coming from southern waters which are described as Lobos Island skins, Shetland Island skins, Cape of Good Hope, and Australian skins. That, however, the principal sources of supply are the first three classes above mentioned.

That the skins of these three several classes are distinguished from each other in the trade, are of different values, and command different prices in the market.

That deponent, by reason of his personal handling of the skins and knowledge of the business, would be able to distinguish the skins of the several catches from each other, and deponent says that the skins of the Copper Island catch are distinctly of a different character from the skins of the Alaska and north-west catches, which last two mentioned are of the same general character, but may be again distinguished from each other by reason of the fact that the north-west skins are pierced with marks of the spear or shot holes, and are also prepared with less care than the Alaska skins by reason of the fact, as deponent understands, of their being flayed and cured on vessels instead of, as in the case of the Alaska skins, being flayed and cured on the islands, where

naturally greater facilities exist for flaying and curing than upon the small vessels engaged in catching the north-west seals.

In the ordinary course of his business it is not necessary for him to distinguish the sexes of the skins, and that, in his judgment, it would be difficult so to do until after the skins come from the hands of the dressers.

That last year nearly the whole of the skins of the north-west catch were sold through deponent's firm, being consigned to his said firm directly by the owners of the schooners engaged in the business from Victoria. The total number of skins of the last year's catch so consigned to deponent's firm, and sold through it, is about 50,000.

235 Last year was the largest collection of skins which passed through the hands of deponent's firm, but prior to last year a smaller number of the north-west skins had been sold through his firm.

That the business of dealing in fur seal-skin has become an important and well-established industry in the City of London. That the manner in which the business is done is, briefly, as follows:

The skins are consigned to deponent's firm and others, the principal of which is the firm of C. M. Lampson and Co., and are catalogued and sold at two principal sales in each year in the months of January and October, and practically all these sales are attended either by deponent's firm or by the firm of Goades, Rigg, and Co.

That the last-mentioned firm sell all the skins consigned to C. M. Lampson and Co. At the sale the principal firms and dealers from all the markets of the world are present, either in person or by their agents; sales are made to them, and being thus purchased the skins are then transferred to dressers and dyers, the principal of whom are the firms of C. W. Martin and Sons, George Rice, and George Smith.

That after being dressed and dyed, the skins pass into the hands of manufacturers of garments made from skins, and from them again into the hands of, for the most part, dressers and retail merchants.

(Signed) H. MOXON.

This is the Exhibit marked (A), referred to in the declaration of Henry Moxon, declared before me, this 30th day of November, 1892.

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

No. 7

Declaration of Mr. Thomas Henry Ince.

I, Thomas Henry Ince, of No. 156, Oxford Street, in the county of London, furrier, solemnly and sincerely declare as follows:

1. I carry on business under the name of James Ince. My business, which I inherited from my father, James Ince, has been established upwards of eighty years. I have been myself in the business for forty years. I am a wholesale and retail furrier. I am my own merchant, and I do quite as much wholesale business as retail.

2. In the course of my business I have annually to purchase a considerable number of seal-skins, amounting on an average about 2,000 a-year, and I am therefore familiar with the London seal-skin market. I buy the skins in their wet or salted state. I then have them dressed, dyed, and finished, and eventually have them worked up in my own workshops, and dispose of them to the public and trade.

3. There are three chief classes of skins dealt with in the London market, viz.: the Copper Island skins, the Pribyloff Island skins, and what is generally called the north-west catch.

4. The differences which exist between the Coppers and the Alaskas are, in my opinion, the following:

(*a.*) There is a slight difference in the colour, but what that difference is it would be difficult precisely to define. I have never had to concern myself about it for business purposes.

(*b.*) The hair of the Copper skin is somewhat harder and more difficult to remove. The dressers, however, do not make any higher charge for removing it, charging the same for all three sorts of skins.

(*c.*) The fur of the Alaska seal is of better quality, that is to say, it is closer than the Copper.

(*d.*) The sizes of the Alaska skins, in my opinion, run a little larger than the Copper skins. This is probably due to the flaying and selecting.

The above differences are, in my opinion, the only ones which exist between Copper and Alaska skins. I do not consider that there is any difference of shape.

The differences above referred to vary considerably in different years, and in the trade we account for these differences and variations by the fact that seals on the Commander Islands are killed at different and varying times of the year from the seals on the Pribyloffs.

5. The elements which influence price in favour of Alaskas is, first of all, that they run larger. In the second place, there often remains a few silver hairs, even in carefully dressed Coppers, which the machine does not always remove, and this being hard, they are not so workable. In the third place, the quality of the Alaska fur is better, that is to say, it is closer; and, fourthly, the Alaskas are better flayed and salted. These are the only four considerations which, in my opinion, influence the price.

6. In inspecting parcels of skins from Pribyloff Islands sold from time to time by Messrs. Lampson, I have noticed amongst them skins of seals which I should have thought, had they not been there, were from the Commander Island skins, and, in the same way, in inspecting skins of Commander Island seals, I have noticed amongst them skins just like Alaskas, and, of course, in each class I have noted skins of the other class, but of a less marked degree of similarity.

7. I have always taken a great interest in the question of the preservation of seal life and regulations, and although I have not got definite information on the matter, I have long believed that some regulations are absolutely necessary. What those regulations should be I do not consider myself competent exactly to say, but I would not approve of any regulations which would affect the north-west catch. It is apparent to me that the abolition of this catch would leave the whole of the business in the control of the persons owning the islands, and this, to my mind, would be injurious to the fur trade generally.

236 8. And I make this declaration conscientiously believing the same to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) THOS. H. INCE.

Declared at the Foreign Office, London, this 3rd day of December, 1892.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner of Oaths.

No. 8.

Declaration of Mr. Sydney Poland.

I, Sydney Poland, of No. 170, Oxford Street, in the county of London, furrier, solemnly and sincerely declare as follows:

1. I carry on business under the name of "Nicholay and Son." I inherited the business from my father. The business has been carried on for upwards of a century. I buy the skins in the raw state at the London sales, and have them dyed and dressed, and then manufactured into articles in my workshops for sale to the public. I have had twenty-four years' experience in the business.

2. I personally attend to the buying of the seal-skins required for my business, and I am, therefore, familiar with the London seal-skin market.

3. There are three chief classes of seal-skins sold in the market, viz., Coppers, or skins coming from the Commander Islands; Alaskas, or skins coming from the Pribyloff Islands; and, thirdly, what are known as the north-west catch.

4. As regards the difference between Alaskas and Coppers, in my opinion they are of an exceedingly trivial nature, and consist of the following:

(*a.*) The fur of the Alaska skins is a closer, denser, and harder fur, and in our business is found to wear better than the Coppers.

(*b.*) Alaska skins are, in my opinion, a little broader than the Copper Island skins.

5. These are the chief differences. I have heard it said that there was a difference in colour, but I have not to consider this in my business, and, in point of fact, have really not noticed it. The differences I have detailed above are the differences which make the difference in price.

6. In examining Alaska consignments from the Pribyloff Islands sold by Messrs. Lampson, I have noticed among these skins, which, in my opinion, were absolutely undistinguishable from Copper Island skins, and in the same way I have found among skins consigned from the Copper Islands skins which were undistinguishable from Alaskas, and of course also many skins in each class which in a less degree resembled the other class.

7. In their dressed and finished condition it is exceedingly difficult, and to my mind impossible, to distinguish an Alaska from a Copper, and I assert that if half-a-dozen of each description manufactured into jackets were put before any dealer, however experienced, he would find it impossible to tell one from the other.

8. I have never considered the question of regulations at all, but I should not like to see any regulations enforced which would have the effect of putting an end to the north-west catch. I think if there are any regulations at all they should be all-round regulations applied to both sets of islands as well as the north-west catch. I think that at the present moment the north-west catch helps to balance the market, and if it were put an end to it would create a monopoly in the hands of the owners of the islands, and this, I think, would be very injurious to the fur trade generally.

9. And I make this declaration conscientiously believing the same to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) SYDNEY POLAND.

Declared at No. 170, Oxford Street, in the county of London, this 5th day of December, 1892.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 9.

Declaration of Mr. Francis Arthur Lansdell.

I, Francis Arthur Lansdell, of No. 190, Oxford Street, in the county of London, furrier, solemnly and sincerely declare as follows:

1. I am the manager of the firm of George Poland and Son, of 190, Oxford Street, in the county of London, furriers. This business has been established over a century. The firm buy at the annual sales in London such seal-skins as they require for their business, and then manufacture them into articles which are disposed of to the public. In the course of business Messrs. George Poland and Son have to purchase a considerable number of seal-skins every year. I purchase on their behalf, and I am, therefore, familiar with the London seal-skin market.

2. There are three chief classes of seal-skins sold in the market, viz., Copper Island skins, Pribyloff Island skins, and what is commonly called the north-west catch.

3. I have carefully considered the question of what differences exist between Pribyloff Island skins, generally known as Alaskas, and Commander Island skins, generally known as Coppers, and in my opinion the differences are as follows:

237 (*a.*) That the fur of Alaska skins is closer and denser than the fur of the Commander Islands skins.

(*b.*) The sizes of the Alaska skins run somewhat larger than Coppers.

4. The above two differences are to my mind the only differences that exist, and they are the differences which affect the commercial price, for we consider in the trade that Alaskas are better on account of the greater closeness of the fur.

5. I have found among the Alaska consignments sold by Messrs. Lampson skins which it would be impossible for me to distinguish from Copper Island skins were it not for the fact that they were in the Alaska catalogue, and also among Copper Island consignments I have found in the same way Alaskas.

6. I have often considered the question of regulations, and I am of opinion that regulations should be introduced for the preservation of seal life, and for the regulation of the north-west catch, such as a close season, or some such arrangement, if satisfactory and efficient regulations of this nature should be introduced which would carry out the object in view. I should not be in favour of the suppression of the north-west catch, as the result of this must, of course, be to create a monopoly in the lessees of the islands, which, in my opinion, would not be beneficial to our business generally, or which, as a business man, I would oppose.

7. And I make this declaration conscientiously believing the same to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) F. A. LANSDELL.

Declared at No. 190, Oxford Street, in the county of London, this 5th day of December, 1892.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 10.

Declaration of Mr. Tom Simpson Jay.

I, Tom Simpson Jay, of Nos. 163, 165, and 198, Regent Street, in the county of London, solemnly and sincerely declare as follows:

1. I carry on business, and have done for the last twelve years, under the name of the International Fur Store. My business consists in buying the skins in their raw salted condition at the annual sales held by Mr. Lampson and others in the City, and when these skins have been dyed and dressed I have them worked up in my workshops into articles which are disposed of in due course to the public. I personally conduct the purchase of skins needed for my business, and I am therefore acquainted with the seal-skin market.

2. There are three chief classes of skins sold in the London market: Commander Island skins, Pribyloff Island skins (generally known as Alaskas), and what is commonly called the north-west catch.

3. Alaska skins are undoubtedly the most valuable, and fetch the highest price. In my opinion the reason of Alaskas fetching a higher price is chiefly due to the fact that the name is known by the public. The public have got it into their heads that Alaskas are the best description of seal-skin furs. They do not know seal-skins of other names. This, in my opinion, is the chief cause of their commanding a better price. The difference of price is also to some extent no doubt due to the fact that the fur of the Alaska seals is on the average of better quality. By better quality I mean that the fur is denser and closer. There is nothing else which I am aware of to make the Alaskas more valuable than the Coppers.

4. There are also other differences which exist, but which to my mind do not affect the price, as, for instance, the difference of colour, the Copper skins on the whole presenting a slightly more tan-like appearance than the Alaskas.

5. In inspecting consignments from the Pribyloff Islands sold by Messrs. Lampson I have repeatedly observed amongst them skins which were to my mind undistinguishable from skins from the Copper Islands; and in the same way, in inspecting consignments from the Copper Islands, I have noticed amongst them a considerable quantity of skins which I could not have distinguished from Alaska skins. I should not like to say what the percentage of these skins would be, but I should think that 25 to 30 per cent. was probably a fair average.

6. I have never considered what would be the proper measures to be taken to preserve seal life, and I have no suggestions to offer on the point, but I certainly would be much opposed to any scheme which would put an end to the north-west catch. In my opinion this catch is a very important element in keeping the balance of the market, and its suppression would result in serious injury to the fur trade generally, and to the public.

7. And I make this solemn declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) TOM SIMPSON JAY.

Declared at No. 223, Regent Street, in the county of London, this 7th day of December, 1892.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

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No. 11.

Declaration of Mr. George Boulter.

I, George Boulter, of Montreal, in the Dominion of Canada, and temporarily of 35, Queen Street, in the City of London, England, fur manufacturer and merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Silverman, Boulter, and Co., of Montreal, Canada, fur manufacturers and merchants, and I am at present visiting England in connection with my business. The firm has been established since 1872. I have had personal experience in the fur business for twenty-eight years. In the course of business my house have to purchase annually a considerable number of seal-skins, and I am therefore familiar with the seal-skin business.

2. The three best known descriptions of seal-skins are (*a*) the Alaskas, which come from the Pribyloff Islands; (*b*) the Coppers, which come from the Commander Islands; and (*c*) what is known as the north-west catch.

3. I have carefully considered what difference there is between Alaskas and Coppers. In my opinion the only difference is that the wool of the Alaskas is slightly denser, and therefore we find in practice wears longer than Coppers. This statement is only true speaking of Alaskas on the whole, because I have found in the manufacturing that at least 35 per cent., if not more, of Copper furs are quite equal in density to the best Alaskas; in fact, I will undertake to say that no man in the trade, no matter how long his experience, could honestly say that he could distinguish, when they have been dressed and dyed, between a first-class Alaska skin and a first-class Copper skin.

4. The difference in value between the two skins depends very largely upon the fact that Alaskas have got a name in the market, and have been the standard skin for many years, and the public have got to know the term "Alaska" just as they know the brand of manufactured articles, and they are prepared to pay for the name just as in other articles.

5. I cannot speak with authority on any difference there may be in colour, because my experience is chiefly confined to skins in the dressed and dyed state, but from what I have seen I consider, although there may be a difference taking the average of a large number, that the difference is trivial. I feel sure that if any skin was selected from an Alaska consignment I could match it from a Commander consignment, and *vice versâ*.

6. In my opinion, for the preservation and regulation of the catch some regulations should be introduced, such as a close season or some suchlike plan, but I am not prepared to offer any definite suggestion in the matter. I should, however, strenuously object to any regulations

which would put an end to the north-west catch. In my opinion its suppression would lead to a monopoly, and the entire seal-skin trade of the world would be in the hands of the lessees of the islands, and the tendency of all monopolists is in their own interests to lessen the output, and raise the price against retail dealers and the public.

7. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) GEORGE BOULTER.

Declared at No. 35, Queen Street, in the City of London, this 12th day of December, 1892.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 12.

Declaration of Joseph Politzer.

I, Joseph Politzer, of No. 35, Queen Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Messrs. Phillips, Politzer, and Co. The firm has been established since 1874. I have personally had an experience of twenty-six years in the fur business. In the course of my business I have annually to purchase for my firm a very large quantity of seal-skins, and I am, therefore, acquainted with the seal-skin market.

2. There are three chief classes of skins dealt with in the market, viz., (1) Alaskas, or skins which come from the Pribyloff Islands; (2) Coppers, or skins which come from the Commander Islands; and (3) north-west catch. The Alaska skins always fetch considerably more in the market than either of the other two skins. The reason, in my opinion, for this is that the name of the "Alaskas" is so much better known to the public than any other kind, and also the quality of the Alaskan fur is better on the average than that of the Coppers. By quality I mean the fur on the Alaskan seals is denser and closer, and, therefore, is found to wear better. It is what I would describe as a stronger wool. These are the matters which influence the price, but the price is also, I think, influenced in favour of the Alaskan skins by the fact that the sizes run somewhat larger in Alaskas, and the handling appears to be much more carefully done than in the case of Coppers. I think, however, that the fact which I have mentioned of the name being better known affects the price more than anything else, because, as a matter of fact, it is quite impossible to distinguish a high-class Copper from an Alaska when made into a garment. The cleverest expert in the trade would not attempt to do so.

3. There is also a slight difference of colour, but this is very
239 trivial, and in no way enters into the question of price. The colour also to a great extent varies in different years. I have noticed in inspecting the consignments from the Pribyloff Islands skins (sometimes as many as 30 or 40 per cent.) which were perfectly undistinguishable from Copper Island skins, and in the same way in inspecting consignments of skins from the Commander Islands I have noticed skins which were similar to Alaskas, and of course in both classes I have found skins which in a lesser degree resemble the other class.

4. Although not a naturalist, I have always taken a great interest in the seal question, and have read everything I could upon the matter so

as to inform myself, and I have always held the opinion that the seals frequenting both sets of islands interbreed with each other.

5. The differences which I have mentioned above I have always considered arose either from a difference of temperature or from the handling on the respective islands. I am confirmed in the opinion that the density of the fur is due to the climate by the fact that I have observed in certain seasons the fur of Coppers and Alaskas to vary, and to be much denser than in others, and this I attribute to the fact that the weather in that particular season had been more severe. It is well known to furriers that the furs of the same animal killed at different times of the year or at different places in the same country differ somewhat in the density of their fur.

6. I have considered the question to some extent of regulations, and I certainly think that some regulations of pelagic sealing are absolutely necessary. What they exactly should be I have not precise enough information to enable me to form an opinion, but I certainly would not be in favour of the total suppression of pelagic sealing. The north-west catch forms a most important element in the preservation of the seal industry in this country, and in the balance of the market. Should this be put an end to it would leave a monopoly in the hands of the persons for the time being leasing the islands, who would have it in their power not only to control the markets at their will, but, if they so desired it, to remove the entire industry away from England elsewhere. This, I think, would be a dangerous thing to the fur trade generally.

7. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declarations Act, 1835."

(Signed) JOSEPH POLITZER.

Declared at No. 35, Queen Street, in the City of London, this 12th December, 1892.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 13.

Declaration of Mr. William Halsey, of the Hudson's Bay Company.

I, William Halsey, of No. 1, Lime Street, in the City of London, fur broker, solemnly and sincerely declare as follows:

1. I act as broker for the Hudson's Bay Company. As such broker, it is my duty to receive and catalogue all furs sent from Canada and the Hudson's Bay Territories by the agents of the Company there, and, in due course, to sell them in the London market by public auction. The average annual value of the skins and furs which the Company dispose of in this manner amounts to about 250,000*l.* Among the skins shipped to the Company are comprised every year a certain number of seal-skins, but not nearly to the same extent as in former years, the average for the last ten years being about 750 skins.

2. By reason of my dealing with so many skins and furs as aforesaid, I am familiar with the skin and fur market in London.

3. The seal-skins sent home by the agents of the Company are part of what is commonly known as the North-west catch. The Hudson's Bay Company have never had to consider what percentage of this catch was composed of female seals. The question of sex is one that never arises in dealing with the skins on the London market. Seal-skins are

never classified for sales or any other purposes, so far as I know, by sex. The usual mode adopted is that of standard sizes, commonly known as "Middlings," "Middlings and Smalls," "Large Pups," "Middling Pups," "Small Pups," &c. I am not aware that sex in any way enters into the question of price.

4. Speaking generally, it is a fact well known to those engaged in the fur business, that skins of the same animals taken in different localities, under different conditions of climate, are valued differently for commercial purposes.

5. As an example of this, I may mention that at the Hudson's Bay Company's last fur sales, marten skins from eastern districts of Hudson's Bay were sold at 40*s.* and 43*s.*, whereas those from more western districts realized but 17*s.* 6*d.* and 18*s.*, and those from McKenzie River in the far north 14*s.* 6*d.* per skin. Beaver also from the same districts realized 62*s.*, 45*s.* 6*d.*, 47*s.*, and 33*s.* 6*d.* respectively.

6. The above comparisons of price have been made between No. 1 skins from each district in all cases. Such differences of value depend on differences of size, quality, and colour.

7. And I make this solemn declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) WM. HALSEY.

Declared at No. 1, Lime Street, in the City of London, this 15th day of December, 1892.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

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240 No. 14.

Declaration of Mr. Benjamin Franks Slater.

I, Benjamin Franks Slater, of No. 43, Newgate Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Slater and Co. My firm are successors to Messrs. Flanders and Co., and the business has been established for twenty-eight or twenty-nine years. Our business consists in purchasing seal-skins in the raw state, and having them dressed and dyed at one of the London dressers and dyers, and subsequently worked up in our workshops into articles with which we supply the trade in this country and in America. I personally superintend the purchasing of the seal-skins on behalf of my firm, and I, therefore, am familiar with the seal-skin trade in London.

2. There are three classes of skins chiefly sold, viz., Alaska skins from the Pribyloff Islands, Copper skins from the Commander Islands, and what is commonly known as the North-west catch.

3. I have carefully considered the question of the differences between Coppers and Alaskas. In my opinion, the chief difference is that the Alaskas produce a fur which is somewhat denser than the Coppers—or, rather, I should say, that the Alaska furs, on an average, are denser than the Coppers, because we frequently find Coppers which are quite equal in density to Alaskas. Another difference is that we find amongst Coppers a certain percentage of skins upon which the hair is somewhat hard and difficult to remove, and the removal of which leaves the fur in a somewhat weaker condition.

I also in my experience have found that the Alaska skins are better handled than the Copper skins, that is to say, that we do not find amongst them so many cut or hacked skins as we do in the Coppers.

4. The above are the chief elements which affect the question of price. I also think that the fact of the name of "Alaska" being well known to the public has an influence on the price. The public know the name, and ask for it just as for the brands of manufactured goods.

5. In examining consignments of skins from the Pribyloff Islands at Messrs. Lampson's warehouse, I have often found a considerable percentage of skins which were quite undistinguishable from Coppers; and in the same way, in inspecting the Coppers I have noticed a considerable percentage which I could not distinguish from Alaskas, and, of course, a certain number in each class which, in a lesser degree, resemble the other class.

6. It is always a matter of considerable difficulty even for an expert to distinguish Alaskas from Coppers, and I will undertake to say that if 100 raw skins, composed of 50 of Alaskas and 50 of Coppers were put together, there is not an expert in the trade that could separate them correctly.

7. I have not considered the question of regulations, and do not desire to offer any opinion upon it, but I certainly would not approve of any regulations which would have the effect of giving the lessees of the islands the monopoly of the business. This, I think, would be extremely injurious to the fur trade.

8. And I make this solemn declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

Declared at 43, Newgate Street, in the City of London, this 15th day of December, 1892.

(Signed) B. F. SLATER.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 15.

Declaration of Friedrich August Gustav Weber.

I, Friedrich August Gustav Weber, of No. 6, Newgate Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Ensor, Weber, and Co., wholesale furriers. The firm has been established for twelve years. I have personally had an experience in the fur trade of about twenty years. My firm in the course of their business annually purchase at public sales and elsewhere about 5,000 seal-skins, most of which we have dressed and dyed by some London dyer and dresser, and have them subsequently manufactured in our workshops into articles which we dispose of to the trade. I conduct, on behalf of my firm, the purchasing of the skins, and therefore I am very familiar with the seal-skin market.

2. There are three chief classes of skins, viz., the Alaskas which come from the Pribyloff Islands, the Coppers which come from the Commander Islands, and what is commonly called the North-west catch.

3. As regards any difference between the Coppers and Alaskas I have carefully considered this question, and, in my opinion, the chief difference is that the fur of the Alaskas is on an average denser than the Copper Island skins. This is the difference which, in my opinion, chiefly makes Alaskas fetch more than Coppers. There is no doubt also that the price is somewhat influenced by the fact that the name of the Alaskas is better known to the public than any other kind of seal-skins.

4. The differences I have mentioned above are the chief dif-
241 ferences. I have heard it alleged that there is a difference of colour, but it is very slight, and in some years the Coppers have actually been lighter than the Alaskas. I am aware of no other differences.

5. In inspecting consignments of Alaskas I have frequently observed a considerable percentage of skins which were undistinguishable from Commanders, and in the same way in inspecting Commander skins, I have observed a large percentage of skins which were undistinguishable from Alaskas, and, of course, also a large number of skins in each class which in a lesser degree resemble the other class.

6. The difference between the two skins is very difficult to distinguish except to one skilled in the business, and I venture to say that an experienced expert would have great difficulty in separating correctly, say, a package of 100 skins made up in equal proportions of dressed and dyed Coppers and Alaskas. In fact, in my opinion, he could not do so.

7. I should be very strongly opposed to any arrangement which would leave the monopoly of the seal-skin business entirely in the hands of the lessees of the islands. I think that this would be interfering with the trade, and exceedingly injurious to it; but I also am of opinion that some regulations are necessary for the regulation of the North-west catch. In fact, if it came to be a choice between a monopoly and an unregulated North-west catch, I should be in favour of the monopoly in spite of its great disadvantages.

And I make this solemn declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declarations Act, 1835."

Declared at No. 6, Newgate Street, in the City of London, this 15th day of December 1892.

(Signed) F. A. G. WEBER.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 16.

Declaration of M. Félix Jungmann.

Je, soussigné, Félix Jungmann, négociant en fourrures et pelleteries, demeurant aux Nos. 106–108, Rue Montmartre, et au No. 1, Rue de Cléry, à Paris, déclare solennellement et sincèrement ce qui suit:

1. Ma maison est établie depuis plus de seize ans. J'exerce la profession de fourreur en gros et en détail. Dans le cours de ses affaires ma maison s'est occupé du commerce de peaux de phoques ou loutres en des quantités considérables; je connais donc bien cette espèce de

marchandises. J'achète sur la place de Londres les peaux dans l'état vert ou salé. Je les fais teindre et apprêter, et enfin je les fais dresser dans les ateliers dépendant de ma maison, et les vends ensuite aux particuliers et dans le commerce.

2. Il y a trois catégories principales de ces peaux, savoir: celles dites "Coppers," provenant de "Copper Island," les "Alaskas," provenant des Iles Pribyloff, et celles ordinairement connues comme "la prise du Nord-Ouest."

3. Quant aux différences qui existent entre les "Coppers" et les "Alaskas" elles sont, selon mon avis, les suivantes:

(*a.*) Il y a une petite différence de couleur, mais je n'ai jamais eu à m'en occuper.

(*b.*) La seconde et principale différence consiste en ce que la fourrure des "Alaskas" est d'une meilleure qualité, ou plus épaisse que les "Coppers." C'est cette différence qui porte sur le prix en faveur des "Alaskas."

(*c.*) Toutes autres différences que celles ci-dessus mentionnées, telles que la longueur de la fourrure et la forme des peaux, sont très insignifiantes et à peine à remarquer. Je ne crois pas, en effet, que la forme varie.

4. En visitant les envois de peaux des Iles Pribyloff vendues de temps â autre par la maison Lampson, j'ai remarqué des peaux de phoques que j'aurais cru de provenance du "Copper Island," si je les avais vu ailleurs, et de même parmi les peaux venant de "Copper Island," j'ai observé quelques-unes qui ressemblaient exactement à celles dites "d'Alaska."

En outre, j'ai remarqué dans chaque catégorie des peaux que ressemblaient à l'autre espèce, mais d'une manière moins frappante.

(Signé) FÉLIX JUNGMANN.

Signé et déclaré par-devant moi, à Paris, ce 28 Décembre, 1892.

[CACHET.] (Signé) G. AUSTIN TAYLOR,
Pro-Consul Britannique.

No. 17.

Declaration of M. Émile Hertz.

I, Émile Hertz, fur and skin merchant, of 11, Rue Dieu, Paris, in the French Republic, declare as follows:

1. I am a partner in the firm of Émile Hertz and Co., and the same person who signed the declaration dated 23rd June, 1892, reprinted at page 587 and following of the "Appendix to the Case of the United States, vol. ii," and therein called in error "Emin" Hertz.

2. In my deposition before the Secretary of the United States Legation at Paris, above mentioned, I declared as follows:

242 That I can distinguish readily the source of production of the skins when the latter are in their undressed state.

At the request of the Representative of Great Britain I declare in addition thereto that I have from time to time seen among the consignments of Alaska seals offered for public sale by Messrs. Lampson and Co., of London, skins resembling Copper Island skins, and among the consignments of this latter sort skins resembling the Alaska kind, but

I believe it to be impossible to affirm absolutely that these doubtful skins belong to one or other of these two localities.

(Signed) ÉMILE HERTZ.

Signed and declared at Paris aforesaid, this 29th day of December, 1892.

Before me:

[SEAL.] (Signed) G. AUSTIN TAYLOR,
British Pro-Consul at Paris.

No. 18.

Declaration of Émile Grebert.

Je, soussigné, Émile Grebert, négociant en fourrures, deneurant à Paris, et y exerçant au No. 48, Rue de l'Arbre-Sec, déclare ce qui suit:

1. Je suis associé de la maison É. Grebert et Grison, successeurs de l'ancienne maison "J. B. Grebert-Borguis" établie à Paris depuis le 1er Mars, 1890, et fondée depuis 1818.

2. Dans le cours de son commerce ma maison achète chaque année un grand nombre de peaux de phoques ou loutres (en Anglais "fur-seals") Je connais donc bien cette espèce de peaux. Je m'en approvisionne aux ventes annuelles, qui ont lieu à Londres chez MM. Lampson et Cie., soit à l'etat vert ou salé. Je les fais préparer dans mes ateliers pour les vendre ensuite au public et dans le commerce.

3. Quant à la question de la différence entre les peaux dites "Copper" et celles dites "d'Alaska," je suis d'avis que la différence principale consiste en ce que la fourrure d'Alaska est d'une qualité supérieure, c'est-à-dire qu'elle est plus épaisse que celle des phoques des "Copper Islands." L'abatage, le dépouillement, et la salaison sont beaucoup mieux fait et le choix est plus soigné aux Iles de Pribyloff qu'aux Copper Islands.

Les détails que je viens de signaler ont pour effet de faire vendre les "Alaskas" à des prix plus élevés que les "Coppers." Toutes autres différences, qu'elles soient de la couleur, ou de la hauteur de la fourrure, et la forme de la peau, ne sont qu'inappréciables. En me rendant compte des peaux d'Alaska mises en vente par la maison Lampson j'ai souvent remarqué parmi ces peaux un prorata considérable que, si je les avais vu ailleurs j'aurais pris pour des "Coppers," et de la même façon j'ai trouvé dans les lots de "Coppers" un certain nombre de peaux se ressemblant beaucoup à des "Alaskas;" aussi, dans les deux catégories de peaux j'ai souvent trouvé quelques-unes qui se rapprochaient, mais dans un moindre degré à celles de l'autre catégorie.

(Signé) É. GREBERT.

Signé et déclaré à Paris, ce 29 Décembre, 1892.

Par-devant moi:

[CACHET.] (Signé) G. AUSTIN TAYLOR,
Pro-Consul Britannique.

No. 19.

Declaration of M. Adolphe Haendler.

I, Adolphe Haendler, of No. 35, Rue de Lanery, Paris, in the French Republic, fur merchant, declare as follows:

1. I am a member of the firm of "N. Haendler et Fils," which has been established for twenty years. The said firm succeeded to that of Moritz, which had previously existed for many years at Leipzig.

2. In the course of business my said firm purchases annually large quantities of seal-skins varying in number from 5,000 to 10,000 every year. These skins are purchased by my said firm in the raw state at the public sales in London by Messrs. Lampson and Co. We then have the skins dressed in London and dyed either there or in Paris. The dressed skins are subsequently sold to the trade.

3. There are three chief classes of skins dealt with in the trade: 1st, Alaskas from the Pribyloff Islands; 2nd, "Coppers" from the Commander Islands; and 3rd, those commonly called the North-West catch.

4. The chief differences, in my opinion, between "Coppers" and "Alaskas" is the quality or the thickness of the fur. The Alaska fur is on the average denser than the Coppers. The selection of the animals on the Pribyloff Islands is better and the sizes run larger. The above-mentioned differences are the cause of the Alaskas fetching a higher price than Coppers.

5. In examining consignments of Alaskas sold by Messrs. Lampson and Co., I have frequently noticed among them a considerable percentage of skins which had I seen them elsewhere I should have taken for Coppers; and in the same way on inspecting consignments of
243 Coppers I have found a certain percentage of skins resembling Alaskas, and in both classes skins which in a lesser degree resembled the other class.

(Signed) ADOLPHE HAENDLER.

Signed and declared at Paris aforesaid, this 29th day of December, 1892.

Before me:

[SEAL.] (Signed) G. AUSTIN TAYLOR,
British Pro-Consul at Paris.

No. 20.

I, Oswald Eysoldt, of No. 12, College Hill, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Messrs. Eysoldt and Co., fur merchants, carrying on business at No. 12, College Hill, in the City of London. My firm commenced business seven years ago, and carry on the same business that was previously carried on by Messrs. Marcus and Co., a firm which had been established for about twenty-five years.

2. I have had personal experience in the seal-skin business for seventeen years. In the course of business I purchase seal-skins at Messrs. Lampson's and other sales. These skins I have dressed and dyed, and I dispose of them to the English trade. In addition to this, as agent for foreign houses, I purchase and have dressed and dyed a large quantity of seal-skins every year.

3. There are three chief classes of seal-skins dealt with in the London market, viz. (1) Alaskas, which come from the Pribylof Islands; (2) Coppers, which come from the Commander Islands; and (3) what is commonly known as the North-west Catch.

4. Of these three, the Alaskas are the most valuable, and command considerably higher prices. There are several reasons for Alaskas fetching a higher price than the others, the following being the principal ones, viz. (1) the quality of the Alaska fur is superior to the quality of the Copper fur, that is to say, that it is denser and closer; this circumstance I have always attributed to the difference of climate and food; (2) the Alaska skins run larger than the Copper skins, which I always considered resulted from the Alaska seals, as a rule, being better fed, and therefore fatter or larger than the Copper seals.

The above differences are the only differences which affect price, and are due, in my opinion, to difference of climate and food. There is also (3), taking the average of skins, a slight difference of colour, the Coppers being more brownish than the Alaskas; but this is not always the case, as I have seen Alaskas which were as brown as Coppers, but this, of course, has no influence upon the question of price.

5. In consignments that I have inspected from the Copper Islands, sold by Messrs. Lampson and Co., I have noticed a certain percentage of skins which, had I seen them elsewhere, I should have considered them Alaskas, and in the same way I have found skins amongst Alaska consignments that I have inspected which resembled the Copper description.

It is a matter of considerable difficulty to say what is the exact percentage I have so noticed, but I think it would be a safe estimate to say that, in the Copper consignments, I have found from 25 to 30 per cent. which resembled Alaskas, and in inspecting Alaska consignments about the same percentage of skins which resembled Coppers.

6. I have to some extent considered the question of regulations, and I am of opinion that sufficient regulations should be introduced upon the islands and at sea to insure the preservation of seal life as a whole, but I should strongly oppose any regulations which would have the effect of absolutely suppressing the North-west Catch. The North-west Catch forms a most important factor in the market, and tends to regulate the price. Were the North-west Catch suppressed, it would place the monopoly in the hands of the persons leasing the islands, who would have it in their power to control the market, and, if they wished, remove the trade from Great Britain. This, I think, would be dangerous to the fur trade generally, and principally to the London fur merchants.

7. And I make this solemn declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835.

(Signed) OSW. EYSOLDT.

Declared at No. 12, College Hill, in the City of London, the 4th day of January, 1893.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner to administer Oaths.

No. 21.

I, Henry Friedeberg, of No. 96, Watling Street, in the City of London, fur and skin merchant, solemnly and sincerely declare as follows:

1. I am the sole partner in the firm of H. Friedeberg and Co. My firm was established in the year 1873. Prior to that time I had previous experience in the fur trade in the office of my father, the late Mr. A. Friedeberg. My business consists in purchasing skins in their salted and raw condition. I then have them dressed and dyed by some London dresser and dyer, and subsequently worked up in my workshops into garments, which I dispose of to the trade. I also annually sell to the trade a considerable number of dressed and dyed skins.

2. There are three chief classes of seal-skins: (1) the Alaskas, 244 which come from the Pribyloff Islands; (2) the Coppers, which come from the Commander Islands; and (3) what is known as the North-west Catch. Of these, Alaskas are the most valuable.

As regards the difference between Copper and Alaska skins, I consider that the chief differences are (1) the denseness of the wool; (2) that the Alaska wool is slightly higher than the wool of the Copper seals; and (3) the sides of the Alaska skins are, in my opinion, on the average, richer in fur than the sides of the Copper Island skins. I do not call to mind any other differences between the two classes. The differences which I have mentioned are the differences which influence the price in the market in favour of Alaskas. I also think that in some degree the price is influenced by the fact, that the name of the Alaskan seals is much better known to the public than any other seals.

3. In the course of my business, it is not necessary for me to consider the question of sex in any way. The skins are never bought or sold by sex, nor is it mentioned in the catalogue; but speaking generally, I think if I were given, say, 100 skins, I could, as to the larger sizes, distinguish with more or less accuracy between males and females, but in the smaller sizes I would not be able to distinguish the sex.

4. In inspecting shipments made through Messrs. Lampson and Co. from the Pribyloff Islands, I have always noticed a considerable percentage of skins which, had I seen them elsewhere, I should have considered were Copper Island skins, and in the same way, in inspecting consignments of skins from the Copper Islands, I have noticed a certain percentage of skins which resembled the Alaska description. It is a very difficult matter to say definitely what this percentage would be, but, speaking roughly, I should say from 20 to 40 per cent.

5. I have never given much attention to the question of regulations, and I do not feel myself competent to offer an opinion on the subject; but I should not be in favour of any regulations which would totally suppress the North-west Catch. In my opinion this forms a very useful and important factor in the London market, and its disappearance would be decidedly an injury to the trade. Its disappearance, I think, would result in the price of seal-skins being so high as to be out of the reach of the ordinary consumer.

7. And I make this declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) H. FRIEDEBERG.

Declared at No. 96, Watling Street, in the City of London, this 5th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 22.

I, Horatio Creamer, of No 40, St. Paul's Churchyard, and No. 9, Old Change, in the City of London, fur manufacturer, solemnly and sincerely declare as follows:

1. I am a member of the firm of Messrs. J. and H. Creamer, fur manufacturers. I have been personally engaged in the fur-seal business for upwards of twenty years. In the course of our business my firm purchase large quantities of seal-skins in their raw or salted condition at the sales of Messrs. Lampson and Co. and others in London, and these skins we have dressed and dyed by some London dresser and dyer, and we then manufacture them in our workshops into articles which we dispose of to the trade. We also sell to the trade annually a certain quantity of seal-skins which are merely dressed and dyed.

2. There are three chief classes of seal-skins:

(1.) The Alaskas, which come from the Pribyloff Islands;

(2.) The Coppers, which come from the Commander Islands; and

(3.) What is known as the North-west Catch.

Of these Alaskas are the most valuable.

The chief reasons which influence the price in favour of Alaskas are the following:

(1.) The quality of the Alaskan fur is much superior on the average to the quality of the Copper fur, that is to say, it is, as a rule, denser, and thicker, and it has been found by experience to wear better.

(2.) The size of the Alaskan skin is, on an average, also larger than the size of the Copper skin. This is probably due to some extent to the selection and handling on the islands.

3. I am not aware of any other differences between the two classes of skins. If there are any, they are of a very trivial nature. I do not consider there is any material difference in shape.

4. In inspecting all the consignments made from the Pribyloff Islands of Alaska seals through Messrs. Lampson, I have always noticed a certain percentage of skins which, had I seen them amongst the Coppers, I should certainly have taken them for Coppers, and in the same way in inspecting skins from the Copper Islands, I have noticed a certain percentage which resembled the Alaskan description. It is a difficult matter to estimate what this percentage would be, but, in my judgment, it would be from 15 to 20 per cent., certainly not more. In the dressed and dyed state the percentage would be increased to more like 40 per cent. or more.

5. I am of opinion that if 100 raw skins—50 Alaskas and 50 Coppers—were put together, there is not a man in the trade who could accurately separate them.

6. I am strongly of opinion that some regulations should be made applicable to the islands and the sea with the view to preserving the seal industry, such as a close season, or some kindred scheme. I should be opposed to any scheme which would have the effect of entirely putting an end to the North-west Catch. It appears to me that if a certain number of male seals can be killed on the islands without risking the future supply, a proportionate number of females could be killed without risk, and, to my mind, this could be done with perfect safety.

245 I am also opposed to the entire suppression of the North-west Catch, because it would have the effect of placing the monopoly in the hands of the lessees for the time being of the islands, who could, if they wished, remove the whole of the seal-skin industry away from this country.

7. And I make this declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) H. CREAMER.

Declared at No. 40, St. Paul's Churchyard, in the City of London, this 6th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 23.

I, William Charles Blatspiel Stamp, of No. 38, Knightrider Street, in the City of London, fur and skin merchant, solemnly and sincerely declare as follows:

I am the same person as William Charles Blatspiel Stamp who made the declaration dated the 14th day of June, 1892, and which is printed at p. 574 of vol. ii of the Appendix of the United States Case.

1. I am a member of the firm of Blatspiel Stamp and Heacock, and carry on business as fur and skin merchants at the above-named address. My firm has been established since the year 1818. I have personally had an experience of upwards of thirty years in the fur and skin business. In the course of their business my firm purchase annually very large quantities of seal-skins, so that I am familiar with these skins.

2. As regards the difference between Alaskas and Coppers, in my opinion they are the following:

(i.) The fur of the Alaskas is, on the average, closer and denser than the fur of the Coppers.

(ii.) There is a difference of colour between the fur, but this is only very slight, and varies in different years, sometimes the Coppers being lighter, sometimes the Alaskas.

(iii.)The skins of the Alaskas, on the whole, run larger than the skins of the Coppers, probably through being better handled and selected.

(iv.) There is a larger quantity of undergrowth of the hair in Coppers, which is probably due to the fact that the skins are taken more or less out of season, when they are beginning to approach the stagey condition.

(v.) The above differences are the only differences which I can recall. They are the differences which affect the question of price, particularly the last-mentioned feature as to the presence of the undergrowth of hair. This hair is troublesome to remove, and some particles of it must remain, and causes the fur to feel harder.

3. In my opinion, there is no absolute line of demarcation between the Copper Island skins and Alaskas, and in inspecting the consignments made each year from the Pribyloff Islands through Messrs. Lampson and Co., I have found a certain percentage of skins which were fac-similes of Copper Island skins, and in the same way, in inspecting consignments of Copper Island skins, I have seen skins which, had I seen them elsewhere, I should have classed them as Alaskas, and also a certain number of the intermediate degrees of similarity. The qualities of the skins vary greatly in different years; some years the Coppers approach in quality very closely to the Alaskas.

4. Referring to the statement made in my said former declaration, that "I should not be surprised nor feel inclined to contradict an estimate

of upwards of 90 per cent. of female skins in the North-west Catch," I say that whilst it is possible with tolerable accuracy to separate female from male skins in the larger sizes, as regards the smaller sizes of seals under the age of 2 years it is a matter of great difficulty, and often of impossibility, to determine sex. In the course of our business it is never necessary for us to consider this question.

5. A noticeable feature about the consignments from the Pribyloff Islands has been that, while formerly the consignments were entirely composed of male skins, of late years from 1883 up to 1890 female skins have appeared among them each year in increasing numbers.

6. I have frequently considered the question of regulations, and my opinion is that a close season or some such like arrangement should be introduced, both on the islands and at sea, and I think also that some sanctuary or isolated breeding-ground should be established which should at all times be free from disturbance. I am not in favour of the suppression of the North-west Catch. In my opinion, this would neither be just nor practicable. It would not be just, because I consider that the Canadians have got a right to catch the seals frequenting the sea adjoining their own shores, and which feed to a large extent on the food-fishes there found, provided they do so in a proper manner. I think it would be impracticable, because the only effect of entire prohibition would probably be to cause the Canadian schooners to register under the flags of other nations.

7. I am of opinion also that the North-west Catch is a very important element in the market in keeping the price of the articles within the reach of the ordinary consumer.

8. And I make this declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) W. C. BLATSPIEL STAMP.

Declared at No. 8, Dowgate Hill, in the City of London, this 10th day of January, 1893.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

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246 No. 24.

I, Sigmund Apfel, of No. 7, Aldermanbury Avenue, in the City of London, fur and skin merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Apfel Brothers. My firm are merchants in furs of all descriptions. My house has been established for upwards of fifty years at Leipsic and Mannheim, and during the last twenty-three years we have had a branch house in London.

2. My firm in the course of their business annually purchase large quantities of seal-skins, and I am therefore familiar with the seal-skin market in this country.

3. There are three chief classes of seal-skins dealt with in the London market: (1) the Alaskas, which come from the Pribyloff Islands; (2) the Coppers, which come from the Commander Islands; and (3) what is known as the North-west Catch. As regards the difference between Alaskas and Coppers, in my judgment the only differences are that the Alaska fur is closer and denser than the Copper fur, and the skins are better handled on the Pribyloff Islands than on the Commander

Islands. There are no other differences that I am aware of, and these are the differences which make the commercial difference in price. The question of price is also greatly influenced by the following circumstance, viz., that the name of the Alaskas is so much better known than the name of the Coppers, not only to the public, but to the trade. The result of this is, that foreign houses who cannot send a personal representative to attend the sales, instruct agents, and as they cannot personally inspect the skins they give orders to their agents to purchase Alaskas in preference to Coppers. English houses on the spot buy more usually Coppers, because they know by selecting certain lots they get just as good value and at a cheaper rate owing to the absence of foreign competition for them.

4. In inspecting the Copper consignments made each year to Messrs. Lampson, I have found in some years as much as 33 per cent. of the skins which were quite as good in quality, and were quite undistinguishable from Alaska seal-skins, and which, had I seen them elsewhere, I should have classéd as Alaskas, and in the same way in inspecting Alaska consignments, I found an equal percentage of skins which in the same way resembled Coppers.

5. I should be very much opposed to the abolition of the North-west Catch. I have always held the opinion that the reports as to the diminution in the seal herds was greatly exaggerated. I also object to the abolition of the North-west Catch, because I consider it would practically, if abolished, ruin our trade. It would throw us entirely into the hands of the persons, for the time being, leasing the islands, who could control the trade in the market just as they liked. This, I think, would be very disadvantageous.

6. In inspecting consignments of Alaska skins in recent years, I have from time to time noticed that the number of female skins had very much increased, and in the last few years in which the 100,000 skins were taken, I personally noticed a very considerable percentage of female skins. Female skins began to make their appearance about 1883 in this catch, and have increased in numbers each year since reaching, as I have said, a very considerable percentage in 1884.

7. In examining the consignments of the North-west Catch, I have always noticed, and during the past two years especially, an increasing number of skins which showed neither spear nor shot marks, and which appear to be identical with Alaskas. These are attributed by the trade to the results of raids on the islands, which have been made either with connivance of the Company, or through the islands not being properly protected.

8. I have not sufficient information to enable me to form an opinion as to what regulations are necessary, but I should most strongly object to the suppression of the North-west Catch.

9. And I make this solemn declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) SIGMUND APFEL.

Declared at No. 7, Aldermanbury Avenue, in the City of London, this 11th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 25.

I, George Rice, of Nos. 32, 33, and 40, Great Prescot Street, in the City of London, dresser and dyer, solemnly and sincerely declare as follows:

1. I am the same person as the George Rice who made a deposition on behalf of the United States, which is dated the 15th day of June, 1892, and appears at p. 572 of the United States Appendix, vol. ii.

2. I was formerly in the employ of Messrs. Oppenheim and Co., the well-known firm, who were at one time the sole importers of Alaska skins. When this firm ceased to carry on business I was with the firm of Messrs. Martin and Teichmann, who at that period dressed and dyed a considerable part of the Alaskan catch.

3. Up to 1878 I never remember having seen amongst the Alaska catch any female skins. In that year for the first time I noticed the appearance of a few female skins, which I at once drew to the attention of the firm. In the following year there were also a few of these skins, but what percentage, or what number, I cannot at this distance of time recall. Since that period I have always noticed amongst the Alaska catch a certain percentage of skins which were female, and which percentage has slowly increased, and amounted to in my opinion (at a rough guess) in 1889 to from 10 to 15 per cent.

247 4. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) GEO. RICE.

Declared at No. 40, Great Prescot Street, in the City of London, this 13th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 26.

I, David Wotherspoon, Junior, of No. 60, Cheapside, in the City of London, furrier, solemnly and sincerely declare as follows:

1. I am a member of the firm of D. and J. Wotherspoon. My firm are wholesale furriers, and have been established for nearly 100 years. I have had a personal experience in the fur business of twenty-five years. I am also a member of the Zoological Society, and have always taken an interest in natural history, and have read all I could upon the subject, although I am not a professional scientist.

2. In my opinion the difference between Alaskas and Coppers is very trifling, and the animals are of the same species. The differences, such as they are, are as follows:

(1.) The quality of the fur is closer or denser in the case of the Alaska than the Coppers, and is also, in my opinion, of a more silky nature. This difference is probably due to the difference of climate and food.

(2.) The sizes of the skins from the Pribyloff Islands are on the whole larger than those from the Copper Islands, showing that the selecting and handling on Pribyloff is better.

There are no other differences that I know of between the two kinds.

(3.) The wool perhaps is somewhat paler than in Alaskas, although this is not invariably so.

3. It is to my mind impossible to separate animals into different categories by reason of these differences in the skin. The Copper and Alaska skins when dressed and dyed are absolutely undistinguishable, and even in their raw state they are exceedingly difficult to separate with certainty. To my mind there is no absolute line of difference between the two; for instance, in inspecting lots of Alaska skins one always finds a certain percentage of skins which resemble Coppers, and in the same way inspecting Coppers, a certain percentage which if seen elsewhere would be classed as Alaskas.

4. I have no definite opinion on the subject of regulations except that I should like to see the killing of grey and black pups prohibited. I should object to the suppression of the pelagic catch on the ground that, in the first place, I think it would be an injustice to the Canadians, and, in the second place, I think it is a most useful factor in the fur trade and its disappearance would be most injurious to our business.

And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) DAVID WOTHERSPOON, Junior.

Declared at No. 60, Cheapside, in the City of London, this 13th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 27.

I, Harry Borras, of No. 18, Old Change, in the City of London, merchant and furrier, solemnly and sincerely declare as follows:

1. I am a member of the firm of Robert Borras and Sons. My firm has been established about fifty years. In the course of their business my firm annually purchase a large number of seal-skins. They are bought in the raw or damp state, and we have them dressed and dyed by some London dresser and dyer, and subsequently have them manufactured in our workshops into garments, which we dispose of to the public and the trade.

2. I have read the declaration of Mr. Richard Henry Poland made on the 29th day of November, 1892, and I agree with it in every particular.

3. And I make this solemn declaration, conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) HARRY BORRAS.

Declared at No. 18, Old Change, in the City of London, this 13th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

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248 No. 28.

I, Howard Vyse, of No. 76, Wood Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Messrs. Vyse, Sons, and Co. The firm has been established for about eighty years. In the course of our

business we annually purchase a large quantity of seal-skins in the raw salted condition. These we cause to be dressed and dyed by some firm of dressers and dyers in London, and subsequently have them manufactured in our workshops into articles which we dispose of to the trade.

2. I have read the declaration of Mr. Richard Henry Poland, declared on the 29th day of November, 1892, and entirely agree with it in every respect.

3. As regards the Alaska catch, in former years this was entirely composed of male skins, but latterly I have noticed amongst them a certain percentage of female skins, which have increased a little in more recent years. It is very difficult to form anything like an accurate estimate of what this percentage is. In my opinion, it is about 10 per cent.

4. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) HOWARD VYSE.

Declared at No. 76, Wood Street, in the City of London, this 14th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 29.

I, John Shoosmith, of No. 40, Great Prescot Street, in the City of London, solemnly and sincerely declare:

1. I am managing clerk to the firm of George Rice, the well-known dyer and dresser.

2. The firm of George Rice have been established upwards of twenty years. The firm do as large a business as any in the trade.

3. In my opinion, the capital sunk in permanently in the seal-skin industry in London—that is, the capital invested in plant—is about the sum of 100,000*l.*; but, of course, a considerable portion of this plant, should any change take place in the trade, could be turned to other uses.

4. As regards the number of persons exclusively engaged in the business, I should say in London there were about 200. There are, of course, a great many more persons through whose hands the skins also pass, but these are not solely occupied with seal-skins. The 200 persons I have mentioned might also do other work, but as a matter of fact they don't; when there is no seal-skin work for them they are idle. This is because they earn good wages, and when work is slack they prefer doing nothing.

(Signed) JNO. SHOOSMITH.

Declared at the Foreign Office, before me, this 16th day of January, 1893.

(Signed) E. F. DAY, *A Commissioner.*

No. 30.

I, Richard Dixon, of No. 19, Edmund's Place, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I was formerly a partner in the firm of Richard Dixon and Co. My firm has been established about thirty years. My firm have annu-

ally to purchase large quantities of seal-skins, and I am thus familiar with the seal-skin market. Besides purchasing seal-skins in the market, my firm have from time to time been large importers of seal-skins. My firm imported considerable quantities of seal-skins shortly after the cession of Alaska, and before the establishment of the Company.

2. I have carefully considered the question as to the difference between Coppers and Alaskas. They are as follows:

(1.) The Coppers are, as a rule, a little paler in colour, but sometimes the Alaskas are paler.

(2.) The Alaska furs are much better in quality, that is to say, the wool is denser and closer, but as to this, a considerable percentage of Coppers are quite equal to Alaskas, and a still larger number in some years very nearly approach Alaskas.

(3.) As regards size, perhaps the Alaskas are a little larger as a parcel.

These are the only differences I remember, and they are the ones which affect the question of price.

3. In inspecting consignments of Pribyloff skins I have invariably found a large percentage which were undistinguishable from Coppers, and in the same way in inspecting Coppers I have found a large percentage which were undistinguishable from Alaskas. I could not offer any opinion as to the amount of the percentage, but it would be considerable.

4. I do not consider myself qualified to give an absolute opinion on the subject of regulations, but I consider there ought to be a close season, or some arrangement which would put an end to the killing of gravid females. Subject to this, I would not be in favour of the
249 suppression of the North-west Catch, because, in the first place, I think it would injuriously affect the market prices and create a monopoly in the business, which I think would not be beneficial to the trade generally.

5. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) R. DIXON.

Declared at No. 19, Edmund's Place, in the City of London, this 16th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 31.

I, Herbert Shelley Bevington, of No. 28, Cannon Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am the same person as the H. S. Bevington who made a declaration at the request of the United States Representative on the 26th day of April, 1892, and appearing at p. 551 of the United States Case Appendix, vol. ii.

2. In my opinion at least 25 per cent. of the skins found amongst Copper Island skins are undistinguishable from Alaskas, and in the same way at least 25 per cent. of the skins found amongst Alaskas are undistinguishable from Coppers. In both consignments I have noticed also a considerable quantity of skins which in a less marked manner resembled the other class, but I consider the bulk can be distinguished.

3. As regards the Alaska Catch, I have during the last four or five years noticed amongst them a small quantity—say from 10 to 15 per cent.—of female skins.

4. As regards regulations, in my opinion it is essential that the North-west Catch should be properly regulated. I am not, however, in a position to say exactly what these regulations should be. I am not in favour of its total suppression. I am of opinion that the North-west Catch is a useful element in the market, and I think the trade would object to its disappearance. Its total suppression, in my opinion, would tend to create a monopoly, and place the whole business in the hands of the persons for the time being owning the islands, and this I should object to.

5. And I make this declaration conscientiously believing the same to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) HERBERT SHELLEY BEVINGTON.

Declared at No. 28, Cannon Street, in the City of London, this 16th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 32.

I, Augustus Allhausen, of No. 35, Carter Lane, in the City of London, furrier and skin merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Allhausen and Co. My firm has been established seventeen years. I have had personal experience in the fur trade of over thirty years. My firm each year purchases a large number of seal-skins. They purchase as many, if not more, than any other house in England for manufacturing purposes; I am therefore familiar with the seal-skin market.

2. I have considered carefully the question of the differences which exist been Copper and Alaska skins. The chief difference is undoubtedly the density or quality of the fur, the Alaskas being of a better quality. The size also of the Alaskan skins run larger than Coppers. The Alaskas are also better flayed, cured, and handled than the Coppers.

These are the only differences of which I am aware, and they are the only differences which affect the question of price. In my opinion, there is no absolute line of difference between the Coppers and Alaskas. We find amongst each class of skins a considerable percentage which resembles the other, that is to say, that in inspecting the consignments of skins from the Pribyloff Islands there are found a large percentage which, if they were seen elsewhere, would be classed as Copper skins, and in inspecting the Copper consignments there is a considerable percentage which, if found elsewhere, would be classed as Alaskas.

3. There is another feature in relation to the Aslaska skins, viz., that they, for the most part, are entirely composed of male skins. Of late years, that is to say, from the year 1883 or 1884, I have noticed amongst this consignment a certain percentage of female skins, which percentage has increased in later years.

4. I have to some extent considered the question of regulations, and I am opposed to the suppression of the north-west catch, but I consider regulations should be made to insure its being conducted in a regular and proper manner, such as the institution of a close season and the prohibition of the use of rifles.

I think the disappearance of the North-west Catch would be a serious loss to the fur trade. Without this catch the entire seal business would be in the hands of the lessees of the islands, who could control it entirely as they wish, and this I think would be a very dangerous state of affairs.

And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) AUG. ALLHAUSEN.

Declared at No. 37, Carter Lane, in the City of London, this 16th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 33.

I, Henry Poland, of No. 110, Queen Victoria Street, in the City of London, fur and skin merchant, do solemnly and sincerely declare as follows:

1. I am a member of the firm of P. R. Poland and Son, of No. 110, Queen Victoria Street aforesaid, which has been established since 1785, and I have been engaged in the fur trade for over twenty-two years.

2. I have besides taken a deep interest in natural history, and have made a special study of the fur-seal and other fur-bearing animals, and have also published a book on "Fur-bearing Animals" treating on these subjects.

3. I consider that to a skilled expert the difference between Copper Island and Alaska fur-seal skins can readily be distinguished, but that in the subsequent processes of dressing, dyeing, &c., such distinctions disappear to a great extent.

4. That the chief distinguishing difference between the Copper Island and Alaska skins lies (taking of course an average year) that the Coppers are more of a yellowish brown than an average Alaska, although I have known one year when the Alaskas were lighter in colour than the Copper Island skins; I think it was the year in which the new Company—the North American Commercial Company—was formed, that is, 1890.

5. Further, I admit that amongst the Copper Island catch there is a certain percentage of skins which are for the most part undistinguishable from the Alaska (or Pribyloff Islands') catch, although that percentage would be difficult to ascertain. At a guess I should say that it was not more than 30 per cent., but of course the fur of some of these would be less dense.

6. I have also noticed in the Alaska catch that there are in some particular years skins which are undistinguishable from Copper Island skins, and this fact is borne out by the opinion of the late Mr. Charles Collins, a well-known dresser and a good authority on seal-skins, to whom I am indebted for many important particulars in the fur-seal business.

7. The next difference between Copper and Alaska skins is the quality. By this I mean density of fur. Density, of course, signifies a greater number of atoms of fur on the animal. This is undoubtedly the chief commercial difference between the Copper and Alaska types. Alaska

skins are denser in fur, or better in quality, and the value is consequently greater.

8. I am not aware of any other differences. I do not consider that the fur of the Alaska type is appreciably longer, or that the shape of the skin differs.

9. In the last few years excepting 1892 I have observed a larger and increasing number of female skins taken in the Alaska catch. Some years ago a female skin could not be detected.

10. That in the differences I have observed between the Alaska and Copper Island seals there are not the slightest grounds which would lead one to infer that they were a distinct species, the variations of climate, food, &c., would be, in my opinion, sufficient to account for the differences I have mentioned.

11. In saying this I speak from the point of view of a naturalist, as well as from that of a merchant, and I am of opinion that the seals from the Pribyloff Islands must often migrate to the Commander Islands, and *vice versâ*. A seal would soon lose the differences in the changed surroundings. In natural history they are one species, the northern fur-seal.

12. As regards what is generally known as the "North-west Catch," I consider that, on the whole, the proportion of females to males taken is from 75 to 80 per cent.; in "grey pups" and "extra small pups" the proportion would be 50 per cent. In the large sizes the proportion, on the other hand, would exceed 80 per cent.

13. I have made certain suggestions as to regulations to preserve seal life in my previous depositions on the United States Case. I have not all the materials which would enable me to speak positively, but I certainly think that some regulations, such as a close or partly close season or some kindred arrangement, should be introduced.

14. I am not in favour of the suppression of pelagic sealing for two reasons: (1) it would partially close the open market, and (2) would interfere with the right of sealers to fish in the high seas.

15. By partially closing the market, I mean that it would leave the monopoly of these classes of seals in the hands of the persons leasing the islands, and it would give an undue advantage to the lessees of the Pribyloff Islands and this I hold would not be beneficial to the trade generally.

251 And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) HENRY POLAND.

Declared at No. 110, Queen Victoria Street, in the City of London, this 16th day of January, 1893.

Before me:

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 34.

Ludwig Felsenstein, of No. 1, Edmunds Buildings, Jewin Street, E.C., solemnly and sincerely declare as follows:

1. I am a member of the firm of Felsenstein, Brothers, who carry on business in London, Leipzig, and Fuerth (Bavaria). The firm has been established sixty-one years.

2. I have carefully considered the amount of capital employed in England in connection with the seal-skin business. I don't think it exceeds more than 600,000*l.* at the very most.

3. I have read the declarations of Mr. W. C. Blatspiel Stamp, made on the 10th January, 1892, and the declaration of Mr. Sigmund Apfel, made on the 11th January, 1892, and I say that I agree with what they say in every respect; and I would like to add that, in my opinion, the continuance of the North-west Catch is of the greatest importance to our business. I believe the creation of a monopoly in the lessees of the islands, which its suppression means, would raise the price of seal-skins, and put them out of the reach of the ordinary consumer. Moreover, the North-west skin is very highly appreciated by a large section of the buyers on account of its extreme softness and silkiness.

(Signed) LUDWIG FELSENSTEIN.

Declared at the Foreign Office, London, before me, this 16th day of January, 1893.

(Signed) E. F. DAY, *Commissioner.*

No. 35.

I, Wesley Marshall, of No. 30, Friday Street, and formerly of Nos. 58 and 60, Aldersgate Street, in the City of London, fur manufacturer, solemnly and sincerely declare as follows:

1. I am a member of the firm of W. Marshall and Co. My firm has been established for twelve years. I have personally had an experience in the fur trade of about twenty-three years. My firm, in the course of their business, annually purchase at public sales and elsewhere a considerable quantity of seal-skins, most of which we have dressed and dyed by some London dresser and dyer, and have them subsequently manufactured into articles which we dispose of to the trade, and I am familiar with the seal-skin market.

2. I have read the declaration of Mr. Richard Henry Poland, made on the 29th day of November, 1892, and I agree with the statements therein contained in every particular.

3. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) WESLEY MARSHALL.

Declared at No. 30, Friday Street, in the City of London, this 17th day of January, 1893.

Before me,

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 36.

I, Julius Richard Thau, of No. 6, Great St. Thomas Apostle, Queen Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am a member of the firm of Hoffmann and Thau. The firm has been established since the year 1883, and prior to that year, and from the year 1878, the business was carried on under the style of "P. W. Hoffmann." I have personally had an experience in the fur trade of seventeen years. My firm, in the course of their business, annually purchase at public sales and elsewhere a quantity of seal-skins, most of which we have dressed and dyed by some London dresser and dyer, and subsequently we dispose of them to the trade. I conduct, on behalf of my firm, the purchasing of the skins, and I am, therefore, familiar with the seal-skin market.

2. I have read the declaration of Friedrich August Gustav Weber, made on the 15th day of December, 1892, and I agree with the statements therein made in every particular.

252 3. I am not in favour of the total suppression of the North-west Catch, and should be very strongly opposed to any arrangement which would leave the monopoly of the seal-skin business entirely in the hands of the lessees of the islands.

4. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) JULIUS RICHARD THAU.

Declared by Julius Richard Thau at No. 6, Great St. Thomas Apostle, in the City of London, this 17th day of January, 1893.

Before me,

(Signed) WALTER B. PRIEST,
A Commissioner for Oaths.

No. 37.

I, Henry Meyers, of No. 150, Cheapside, in the City of London, furrier and skin merchant, solemnly and sincerely declare as follows:

1. I am the sole partner in the firm of J. and H. Meyers. The firm has been established since 1872. I have personally had an experience in the seal-skin trade of twenty years. My firm in the course of their business annually purchase a considerable quantity of seal-skins at public sales and elsewhere. These we have dressed and dyed by some London dresser and dyer, and have them subsequently manufactured into articles which we dispose of to the trade. I conduct the purchasing of the skins, and I am therefore very familiar with the seal-skin market in London.

2. I have read the declaration of Mr. Richard Henry Poland, declared on the 29th day of November, 1892, and I agree with the contents thereof in every particular.

3. I should be very strongly opposed to any arrangement which would leave the monopoly of the seal-skin business in the hands of the lessees of the islands. I think this would be interfering with the trade, and exceedingly injurious to it. I am decidedly of opinion that some regulations are necessary in regard to the North-west Catch, but what these regulations should be I have not sufficient information at my disposal to enable me to form an opinion. I should, however, not be in favour of the total suppression of the North-west Catch.

4. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) HENRY MEYERS.

Declared at No. 150, Cheapside, in the City of London, this 18th day of January, 1893.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

No. 38.

I, Aby Ullmann, of No. 3, Edmund Place, Aldersgate Street, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am connected with the firm of Jos. Ullmann, of No. 3, Edmund Place aforesaid. The firm have also establishments at New York and at Leipzig. The firm has been in existence for thirty-eight years. I have personally had an experience in the fur trade of six years.

2. My firm import a considerable quantity of North-west Coast skins, and purchase at public sales Alaskas, Coppers, and North-west Coast skins. I conduct the purchasing of these skins on behalf of my firm, and I am therefore familiar with the seal-skin market in London. The skins so purchased we have dressed and dyed by some London dresser and dyer, and subsequently we supply the trade both here and abroad.

3. The Alaska skins as a rule are much better in quality. By quality I mean that the hair is denser than that of the Copper Island skins. This, in my opinion, is the reason why Alaskas are more valuable than Coppers.

4. I have often considered the question of Regulations, and I am of opinion that some are necessary, but what these Regulations should be I have not sufficient information at my disposal to enable me to form a judgment; but I should certainly not be in favour of the suppression of the North-west Catch, because I consider it would be very prejudicial to the fur trade generally.

5. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) ABY ULLMANN.

Declared at the Commercial Sale Rooms, Mincing Lane, in the City of London, this 19th day of January, 1893.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

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253 No. 39.

I, Charles Alfred Sugden, of No. 12, Aldermanbury, in the City of London, fur merchant, solemnly and sincerely declare as follows:

1. I am the sole partner in the firm of C. A. Sugden and Co. The firm has been established for thirty-six years: for twenty-six as Sugden, Son, and Nephew, and for the last ten years as C. A. Sugden and Co. I have personally had fifteen years' experience in the fur trade. My firm, in the course of their business, annually purchase a considerable

quantity of seal-skins at public sales and elsewhere, and I am therefore familiar with the seal-skin market in London.

2. I have read the declaration of Mr. Richard Henry Poland, made on the 29th day of November, 1892, and agree with the statements therein contained in every way.

3. And I make this declaration conscientiously believing the contents to be true, and by virtue of "The Statutory Declaration Act, 1835."

(Signed) CHAS. A. SUGDEN.

Declared at No. 12, Aldermanbury, in the City of London, this 19th day of January, 1893.

Before me:

(Signed) HENRY B. PRIEST,
A Commissioner for Oaths.

254 *Quantities of Fur-seal Skins of all descriptions offered annually for Public Sale, and known Private Sales in London, from the year 1827 to the year 1869 inclusive.*

Year.	South America.	Lima and Peruvian Coast.	Cape Horn.	Patagonia.	Falkland Island.	Lobos Island.	Cape of Good Hope.	South Shetland.	Crozet Island.	New Zealand.	Australia.	South Sea.	North-west Coast.	North-west Coast (Dry).	Russian.	Parchments unclassified.	Unclassified shipped from New York.	Salted unclassified.	Known Private Sales.*	Total.
1827	.....	.....	.....	.....	.....	.....	6,647	.....	.....	.....	19,163	1,151	.....	.....	.....	1,070	4,933	24,156	20,000	77,120
1828	.....	3,475	.....	.....	.....	.....	.....	156	.....	.....	6,139	290	.....	.....	.....	2,337	3,622	38,927	20,000	74,946
1829	.....	6,438	.....	.....	.....	.....	4,532	1,223	.....	.....	6,676	.....	.....	.....	.....	.....	12,887	20,935	20,000	72,691
1830	.....	4,013	.....	.....	.....	.....	1,473	.....	.....	.....	5,747	5,025	.....	.....	.....	.....	11,041	8,886	20,000	56,185
1831	.....	.....	.....	.....	.....	.....	6,139	.....	.....	.....	5,490	.....	.....	.....	.....	.....	.....	5,111	20,000	36,740
1832	.....	2,296	.....	.....	.....	.....	386	.....	.....	.....	2,511	.....	.....	.....	.....	.....	.....	15,228	20,000	40,421
1833	.....	5,144	.....	.....	.....	.....	3,802	2,294	.....	188	2,889	.....	.....	.....	.....	.....	.....	1,922	20,000	36,239
1834	.....	.....	.....	.....	.....	.....	5,615	.....	.....	296	1,910	.....	.....	.....	.....	.....	.....	4,402	20,000	32,223
1835	.....	.....	.....	.....	.....	.....	1,204	.....	.....	435	.....	.....	.....	.....	.....	.....	.....	5,529	20,000	27,168
1836	.....	332	.....	.....	.....	.....	378	.....	.....	86	.....	.....	.....	.....	.....	.....	.....	9,186	20,000	29,982
1837	.....	.....	.....	.....	.....	.....	3,319	.....	.....	442	.....	.....	.....	.....	.....	.....	.....	8,736	20,000	32,497
1838	10,975	992	.....	.....	.....	.....	3,424	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,746	20,000	37,137
1839	.....	.....	.....	.....	.....	.....	2,383	882	.....	155	.....	.....	.....	.....	5,249	.....	.....	58	20,000	28,727
1840	.....	.....	.....	.....	658	.....	2,515	402	.....	.....	.....	.....	.....	.....	12,958	.....	.....	.....	20,000	36,533
1841	3,510	387	.....	905	311	.....	2,944	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	996	20,000	29,053
1842	.....	.....	.....	.....	361	1,026	3,195	.....	.....	.....	.....	.....	309	.....	.....	.....	.....	1,791	20,000	26,682
1843	5,465	.....	.....	.....	.....	.....	967	.....	.....	419	.....	.....	.....	.....	.....	.....	.....	1,095	20,000	27,946
1844	4,908	22	.....	.....	140	1,197	.....	.....	.....	.....	187	.....	94	.....	.....	.....	.....	.....	20,000	26,548
1845	.....	.....	.....	.....	.....	3,578	125	305	.....	63	189	.....	.....	.....	.....	.....	.....	.....	20,000	24,260
1846	.....	.....	.....	.....	15	.....	404	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,750	20,000	22,169
1847	.....	.....	.....	.....	30	.....	321	54	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20,000	20,405
1848	.....	.....	.....	.....	842	3,660	292	.....	.....	28	.....	.....	.....	.....	.....	.....	.....	.....	20,000	24,762
1849	.....	.....	.....	192	252	8,538	1,760	1,103	.....	.....	468	.....	.....	.....	.....	.....	.....	.....	20,000	32,313
1850	62	.....	.....	.....	201	9,740	294	75	.....	54	45	.....	.....	.....	.....	.....	.....	.....	20,000	30,471
1851	.....	.....	.....	.....	567	4,424	2,807	.....	.....	.....	34	.....	.....	.....	.....	.....	.....	.....	20,000	27,832
1852	.....	.....	.....	.....	44	8,132	5,460	.....	.....	62	1,225	.....	.....	.....	1,000 dry	.....	.....	.....	20,000	35,923
1853	.....	.....	.....	.....	15	9,081	1,285	.....	.....	.....	15	.....	.....	.....	.....	.....	.....	.....	20,000	30,396
1854	.....	.....	.....	.....	.....	11,873	2,549	.....	.....	.....	199	.....	.....	.....	3,600 dry	.....	.....	3,578	20,000	41,799
1855	.....	.....	.....	.....	74	11,941	2,080	.....	.....	.....	66	.....	.....	.....	1,000 dry	.....	.....	13,304	20,000	48,465
1856	.....	.....	.....	.....	54	11,312	674	.....	.....	.....	40	.....	.....	.....	.....	.....	.....	.....	20,000	32,080
1857	.....	.....	.....	.....	153	10,970	1,281	.....	.....	.....	.....	.....	.....	.....	3,000 dry	.....	.....	.....	20,000	35,404
1858	.....	.....	.....	.....	97	16,706	2,299	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	21,000	40,102
1859	.....	.....	.....	.....	.....	12,495	1,849	.....	.....	.....	56	.....	.....	.....	2,200 dry	.....	.....	.....	21,000	37,620
1860	.....	.....	.....	.....	429	8,755	2,926	.....	.....	.....	52	.....	.....	975	.....	.....	.....	.....	21,000	34,137
1861	.....	.....	.....	.....	1,073	14,514	5,164	.....	.....	.....	26	.....	.....	.....	.....	.....	.....	.....	21,000	41,777
1862	.....	.....	.....	.....	5,721	15,465	3,792	.....	.....	.....	163	.....	.....	.....	.....	.....	.....	.....	21,000	46,141
1863	.....	.....	.....	.....	2,783	13,103	9,229	.....	.....	.....	378	.....	.....	.....	.....	.....	.....	.....	21,000	46,493
1864	.....	.....	.....	.....	644	13,185	3,254	.....	.....	.....	263	.....	.....	1,105	.....	.....	.....	.....	45,000	63,451
1865	.....	.....	.....	.....	156	13,397	3,597	.....	.....	.....	109	.....	.....	902	.....	.....	.....	.....	45,000	63,161

1866	.....	.....	.....	.....	1,412	12,336	5,291	.....	.....	.....	220	.....	69	2,099	.....	.....	.....	45,000	66,427
1867	.....	.....	.....	.....	232	.....	5,473	.....	.....	.....	110	.....	.....	2,337	72	.....	4,939	45,000	58,163
1868	.....	.....	.....	.....	88	21,902	7,277	.....	94	.....	127	.....	75	14,772	28,287 3,595 dry	.....	.....	45,000	121,217
1869	.....	.....	.....	.....	619	4,394	9,812	.....	607	.....	487	226	.....	5,890	124,707	.....	.....	60,000	206,742

"South American" skins are unclassified seals from that region. "Australian" skins are those shipped for the most part from New South Wales, and would have been taken in the adjacent regions. "Russian" skins are unclassified Alaska, Copper Island, North-west Coast, Robben Island, and Japanese.

* The information contained in this column is compiled from the declaration of Emil Teichmann, dated the 25th April, 1892 (United States Case, Appendix, vol. ii, p. 581), and from his explanatory letter dated the 13th January, 1893. In this letter Mr. Teichmann states that the 20,000 salted skins received annually by Messrs. Oppenheim "gradually increased annually, reaching, in 1868, 50,000 . . . . exclusive of the 10,000 (more or less) dry skins received by Messrs. Oppenheim every year." In the above Table, for each year between 1864 and 1868, a mean figure of 35,000 is inserted.

(Signed) P. R. POLAND AND SONS.

255 TABLE I.—*Abstract of Catalogues of Alaskan Seal Public Sales, showing Number*

Year.	Date of Catalogue from which information taken.	Alaskan Seals.								
		Larger Sizes.							Smaller Sizes.	
		Wigs.	Large Middlings.	Middlings.	Middlings and smalls.	Smalls.	Large Pups.	Total Large Sizes for the Year.	Middling Pups.	Small Pups.
1873	Apr. 8. C. M. Lampson and Co...	....	.....	1,655	1,922	5,434	7,855	53,623	9,334	9,652
	Dec. 9. " " ...	30	455	5,060	6,201	11,338	13,673		13,201	8,816
1874	Mar. 13. " " ...	....	134	1,594	1,805	5,279	7,464	50,847	9,260	9,954
	Sept. 9. " " ...	3	.....	.....	.....	3	.....		8	9
	Nov. 18. " " ...	....	200	3,144	6,387	11,155	13,679		14,109	9,759
1875	Mar. 3. " " ...	....	.....	1,469	2,875	6,263	8,913	46,071	10,370	8,243
	Nov. 23. " " ...	....	44	1,027	2,691	9,215	13,574		17,419	12,374
1876	Mar. 24. " " ...	....	145	1,918	4,814	7,784	9,038	48,401	8,372	5,412
	Nov. 30. " " ...	....	46	1,363	846	9,579	12,868		13,376	9,752
1877	Mar. 19. " " ...	68	.....	398	395	3,286	3,554	43,696	3,704	2,592
	Nov. 23. " " ...	....	.....	1,655	5,224	14,060	15,056		13,050	7,199
1878	Mar. 26. " " ...	....	.....	1,537	5,593	9,515	10,748	68,616	8,912	5,285
	Nov. 15. " " ...	....	.....	535	5,252	14,961	20,475		19,859	11,458
1879	Mar. 18. " " ...	....	.....	596	2,027	5,386	5,504	53,298	6,309	6,006
	Oct. 29. " " ...	....	.....	406	4,635	15,977	18,767		21,029	13,507
1880	Mar. 8. " " ...	3	.....	96	1,240	3,656	5,204	56,468	6,523	6,831
	Nov. 26. " " ...	44	.....	1,735	10,783	17,311	16,396		17,247	13,170
1881	Mar. 28. " " ...	....	.....	340	2,340	5,198	4,474	48,277	4,317	3,274
	Nov. 1. " " ...	111	.....	2,035	5,577	12,248	15,954		21,755	20,044

of different Sizes sold annually in London, and the Percentage of Small and Large Sizes.

Alaskan Seals.											
Smaller Sizes.											
Extra Small Pups.	Extra Extra Small Pups.	Grey Pups.	Black Pups.	Odd Skins, Faulty, &c.	Total Small Sizes for the Year.	Total of "Alaskas" in each Catalogue.	Number of Skins of other Classes included in Catalogue.	Total of all kinds included in Catalogue.	Total of Alaskas for the Year.	Percentage of Total of Small Sizes to Total of Alaskas for the Year.	Year.
3,919	.....	375	....	.....	48,418	40,146	21,974 C. I. 1,518 Lima, &c.	63,638	102,041	47.45	1873
2,378	....	580 *163	....	.....		61,895	671 Lima	62,566			
4,555	.....	.....	....	.....	50,450	40,045	28,290 C. I. 3,449 Washed 189 N. W. C., dry	71,973	101,297	49.80	1874
.....	.....	1,191	....	.....		1,214	3,502 N. W. C. 1,002 Lima 254 C. I. 192 Pat.	8,305			
1,605	.....	.....	....	.....		60,038	2,141 N. W. C., dry, &c. 268 N. W. C. 178 Lima	60,424			
1,387	.....	.....	....	.....	53,106	39,520	24,241 C. I. 2,302 C. H., &c. 2,012 S. G.	68,075	99,177	53.55	1875
3,313	.....	.....	....	.....		59,657	1,662 C. H. 120 Lima	61,439			
1,177	.....	.....	....	.....	40,268	38,660	33,219 C. I. 3,026 R. I. 1,143 C. H. 2,367 N. W. C., dry, &c. 423 A., washed	78,838	88,669	45.41	1876
2,179	.....	.....	....	.....		50,009	2,408 N. W. C. 657 L. I., &c. 641 S. G. 580 Pat., washed	54,295			
496	.....	249	....	14	28,814	14,756	25,380 C. I. 1,530 R. I.	41,646	72,560	39.74	1877
1,510	.....	.....	....	.....		57,754	414 C. I. 65 S. G. 2,435 S. S., dry	60,668			
1,286	....	1,477 *974	....	12	50,349	45,339	17,674 C. I. 1,940 R. I. 21 N. W. C.	64,974	118,965	42.32	1878
1,086	.....	.....	....	.....		73,626	80 N. W. C. 191 S.S., &c., washed	73,897			
1,041	.....	.....	....	26	49,155	26,895	27,117 C. I. 3,320 R. I. 2,195 N. W. C., &c.	59,521	102,453	47.98	1879
1,237	.....	.....	....	.....		75,558	1,207 Lima(?) 1,209 N. W. C.	77,974			
906	.....	.....	....	.....	48,110	24,459	38,879 C. I. 3,852 R. I. 1,393 N. W. C. 1,056 C. H.	69,639	104,578	46.00	1880
3,430	.....	.....	....	.....		80,119	1,832 N. W. G., &c. 676 C. H. 441 W. C.	83,068			
358	.....	.....	....	.....	51,836	20,301	45,202 C. I. 7,018 C. H. 3,301 R. I. 384 W. C. 205 S. G. 11 N. W. C.	76,472	100,113	51.78	1881
2,088	.....	.....	....	.....		79,812	929 W. C. 504 C. H., &c.	81,245			

*Smaller.

TABLE I.—*Abstract of Catalogues of Alaskan Seal Public Sales,*

Year.	Date of Catalogue from which information taken.	Alaskan Seals.								
		Larger Sizes.							Smaller Sizes.	
		Wigs.	Large Middlings.	Middlings.	Middlings and smalls.	Smalls.	Large Pups.	Total Large Sizes for the Year.	Middling Pups.	Small Pups.
1882	Mar. 27. C. M. Lampson and Co...	46	.....	379	1,490	2,758	3,922	41,002	5,619	5,370
	Oct. 21. " " ...	212	.....	3,277	5,300	8,930	14,688		23,926	21,012
1883	Mar. 19. " " ...	100	.....	500	1,411	2,355	4,065	34,589	5,206	5,252
	Oct. 31. " " ...	83	.....	902	2,223	8,486	14,464		19,722	13,379
1884	Mar. 31. " " ...	78	.....	557	1,107	2,505	3,778	32,520	5,155	2,432
	Nov. 19. " " ...	.....	.....	250	1,915	6,484	15,846		24,215	21,650
1885	Mar. 30. " " ...	.....	.....	252	454	2,767	6,931	59,718	9,960	7,272
	Nov. 2. " " ...	.....	89	1,319	4,094	16,658	27,154		20,144	9,093
1886	Mar. 19. " " ...	.....	60	495	1,183	4,005	7,117	60,849	5,205	1,601
	Oct. 27. " " ...	.....	133	1,177	4,753	13,283	28,643		30,803	17,051
1887	Nov. 8. " " ...	.....	29	696	2,254	8,950	23,142	35,071	35,585	24,784
1888	Nov. 6. " " ...	.....	2	177	2,318	9,297	18,302	30,096	36,655	29,208
1889	Oct. 30. " " ...	.....	.....	221	2,133	7,020	11,042	20,416	26,481	33,811
1890	Oct. 27. " " ...	.....	.....	659	12	3,032	5,343	9,046	7,984	3,851
1891	Jan. 23. " " ...	.....	.....	1	37	285	467	7,118	1,019	1,446
	Oct. 26. " " ...	.....	.....	8	172	2,311	3,837		4,697	2,209
1892	Nov. 24. " " ...	.....	.....	.....	312	2,252	2,457	5,021	2,076	399

showing Number of different Sizes sold annually in London, etc.—Continued.

Alaskan Seals.											
Smaller Sizes.						Total of "Alaskas" in each Catalogue.	Number of Skins of other Classes included in Catalogue.	Total of all kinds included in Catalogue.	Total of Alaskas for the Year.	Percentage of Total of Small Sizes to Total of Alaskas for the Year.	Year.
Extra Small Pups.	Extra Extra Small Pups.	Grey Pups.	Black Pups.	Odd Skins, Faulty, &c.	Total Small Sizes for the Year.						
408	.....	.....	.....	.....	59,949	19,992	39,337 C. I. 7,422 C. H. 4,193 R. I. 1,467 Jap. 554 N. W. C.	72,965	100,951	59.38	1882
2,577	.....	1,037	.....	.....		80,959	6,294 N. W. C. 595 C. H. 591 W. C. 3 S. S.	88,442			
348	.....	.....	.....	.....	46,265	19,237	4,106 R. I. 36,951 C. I. 2,946 C. H., &c. 942 N. W. C. 790 Jap. 400 W. C.	65,372	80,854	57.22	1883
833	.....	869 *656	.....	.....		61,617	2,022 N. W. C., &c. 209 C. H.	63,798			
130	.....	.....	.....	.....	57,015	15,742	26,664 C. I. 2,037 R. I. 5,112 C. H. 764 Jap. 219 N. W. C.	50,538	89,535	63.68	1884
1,252	.....	1,457	724	.....		73,793	613 C. H. 6,866 N. W. C.	81,272			
478	.....	.....	.....	.....	48,033	28,114	49,078 C. I. 3,644 R. I. 2,804 C. H. 1,148 Jap., &c. 331 N. W. C.	85,119	107,751	44.58	1885
1,080	.....	.....	.....	6		79,637	132 C. H., &c.	79,769			
205	.....	.....	.....	.....	61,317	19,871	41,764 C. I. 6,716 Jap. 1,832 R. I. 1,537 N. W. C.	71,720	122,166	50.19	1886
3,849	.....	1,481 *1,100	.....	22		102,295	1,714 N. W. C.	104,009			
4,426	.....	3,761 *396	.....	36	68,988	104,059	3,525 N. W. C. 898 Jap., &c. 255 Cal.	108,717	104,059	66.30	1887
3,963	.....	.....	.....	94	69,920	100,016	8,491 N. W. C. 512 Jap.	109,019	100,016	69.91	1888
18,731	521	.....	.....	77	79,621	100,037	.....	100,037	100,037	79.59	1889
71	.....	.....	.....	42	11,948	20,994	.....	20,994	20,994	56.91	1890
879	22	.....	.....	2	10,534	4,158	.....	4,158	17,652	59.68	1891
249	.....	.....	.....	11		13,494	.....	13,494			
58	.....	.....	.....	.....	2,533	7,554	.....	7,554	7,554	33.53	1892
					936,629				1,741,372	53.79	

* Smaller.

257 TABLE II.—*Abstract of Catalogues of North-West Coast Seal Public Sales, showing which could not possibly, by reason of*

Year.	Date of Catalogue from which Information taken.	North-West Coast Seals.									
		Large Sizes.								Small Sizes.	
		Wigs.	Middlings.	Middlings and Smalls.	Smalls.	Large Pups.	Large and Middling Pups (mixed).	Middling Pups.	Total Large Sizes for the Year.	Middling and Small Pups (mixed).	Small Pups.
1873	Mar. 12. Culverwell	(*)	.....	.....	.....	514	.....	1,052	2,385	...	234
	Nov. 12. Hudson Bay Company	8	176	.....	215	213	.....	207		...	182
1874	Sept. 9. C. M. Lampson and Co.	....	94	.....	557	508	.....	393	3,536	26	420
	Sept. 9. " "	(*)	71	.....	314	429	.....	278		...	227
	Nov. 6. Hudson Bay Company	11	.....	330	.....	303	.....	248		106	205
1875	Sept. 9. C. M. Lampson and Co.	....	66	56	163	269	98	194	1,296	...	251
	Dec. 10. Hudson Bay Company	5	.....	127	.....	60	111	147		...	228
1876	Mar. 24. C. M. Lampson and Co.	*40	190	.....	220	242	.....	294	4,727	...	638
	Aug. 31. " "	*1	.....	.....	64	345	.....	216		...	87
	Nov. 3. Hudson Bay Company	9	174	.....	561	491	.....	415		...	403
	Nov. 30. C. M. Lampson and Co.	11	.....	.....	298	592	.....	564		71	329
1877	Mar. 19. " "	*1	61	46	267	885	87	531	2,426	261	456
	Nov. 7. Hudson Bay Company	3	57	.....	159	187	.....	142		...	119
1878	Mar. 22. C. M. Lampson and Co.	*8	18	.....	124	240	.....	198	4,912	55	233
	July 23. " "	....	133	.....	1,129	802	.....	288		78	255
	Sept. 3. Hudson Bay Company	1	3	.....	7	31	.....	58		..	90
	Oct. 4. " "	8	9	.....	34	80	.....	104		..	219
	Oct. 30. Goad Rigg	3	{†309 ‖307	....	536	175	.....	307		..	108
1879	Aug. 29. C. M. Lampson and Co.	124	96	.....	142	79	.....	91	5,575	....	112
	Sept. 5. " "	....	126	.....	679	506	13	355		....	532
	Sept. 5. Dyster, Nalder	2	353	.....	484	1,032	.....	692		....	347
	Oct. 10. Hudson Bay Company	....	23	.....	157	329	.....	274		....	264
	Oct. 29. C. M. Lampson and Co.	....	.....	3	.....	.....	5	.....		....	6
1880	Mar. 5. " "	*2	.....	11	25	93	.....	84	6,499	79	321
	Mar. 8. " "	104	94	3	234	222	.....	190		53	161
	June 11. Dyster, Nalder	....	.....	.....	41	96	.....	54		..	53
	July 12. C. M. Lampson and Co.	....	54	.....	186	149	37	152		15	97
	July 12. Dyster, Nalder	1	79	.....	122	149	.....	124		..	111
	July 27. " "	....	79	.....	195	209	.....	187		..	163
	Aug. 19. C. M. Lampson and Co.	....	32	.....	197	267	.....	251		..	226
	Oct. 6. Dyster, Nalder	7	101	.....	319	272	.....	166		..	268
	Oct. 26. C. M. Lampson and Co.	18	9	.....	41	37	.....	18		61	61
	Oct. 26. Hudson Bay Company	7	39	.....	385	669	.....	414		..	481
	Oct. 26. " "	*3	86	.....	63	88	.....	34		..	¶ 260

* Dry. † Black pups. ‡ Large mids.

Number of different Sizes sold annually in London, and showing Percentage of Skins their Size, be Skins of Bearing Females.

North-West Coast Seals.											
Small Sizes.					Total of North-west Coast Seals in each Catalogue.	Number of Skins of other Classes included in Catalogue.	Total of all kinds included in Catalogue.	Total of North-west Coast Seals for the Year.	Percentage of Total of Small Sizes to Total of North-west Coast Seals for the Year.	Year.
Extra Small Pups.	Extra Extra Small Pups.	Grey Pups.	Odd Skins, Faulty, &c.	Total Small Sizes for the Year.						
.....	.....	.....	.....	597	1,800	214 Washed, &c.	2,014	2,982	20.02	1873
43	.....	115	23		1,182	.....	1,182			
423	.....	1,081	.....	3,474	3,502	1,214 A. 1,002 Lima. 254 C.I. 192 Pat.	6,164	7,010	49.56	1874
459	.....	177	.....		1,955	186 Various, mixed, dressed, &c.	2,141			
.....	.....	321	29		1,553	.....	1,553			
172	.....	167	.....	920	1,436	84 A. 709 C.H.	2,229	2,216	41.52	1875
.....	.....	86	16		780	.....	780			
382	.....	18	186	3,040	2,210	38,660 A. 33,219 C.I. 3,026 R.I. 1,143 C.H. 423 A. washed. 157 N.W.C. washed, stale.	78,838	7,767	39.14	1876
55	.....	.....	25		793	152 Washed stale.	945			
139	.....	109	55		2,356	.....	2,356			
138	.....	†380 25	...		2,408	50,009 A. 657 L.I., &c. 641 S.G. 580 Pat., washed.	54,295			
811	.....	163	98	2,016	3,667	181 Washed, &c.	3,848	4,442	45.38	1877
64	.....	43	1		775	.....	775			
263	.....	‡16	14	1,909	1,169	235 Washed, &c.	1,404	6,821	27.99	1878
76	.....	144	.....		2,905	.....	2,905			
44	.....	29	1		264	.....	264			
46	.....	87	16		603	.....	603			
65	.....	70	.....		1,880	.....	1,880			
.....	.....	969 §146 †4	...	5,515	1,763	116 C.H. 26 S.S.	1,905	11,090	49.73	1879
82	.....	398	2		2,703	.....	2,703			
304	.....	510	45		3,769	.....	3,769			
130	.....	453	17		1,646	.....	1,646			
.....	.....	1,195	.....		1,209	75,558 A. 1,207 Lima.	77,974			
423	.....	191	105	8,728	1,334	.....	1,334	15,227	57.32	1880
1	.....	1 †316	14		1,393	24,459 A. 38,899 C.I. 3,852 R.I. 1,056 C.H.	69,639			
58	.....	410	.....		712	.....	712			
444	.....	290	9		1,433	1,662 C.H.	3,095			
132	.....	502	.....		1,220	248 Aust.	1,468			
121	.....	90	.....		1,044	813 Aust.	1,857			
281	.....	368 †115	8		1,745	615 S.L. 403 C.H.	2,763			
296	.....	160	.....		1,589	.....	1,589			
36	.....	‖1,099 †3	37		1,449	80,119 A. 383 N.W.C., washed. 676 C.H. 441 W.C.	83,068			
327	.....	424 †3	21		2,770	.....	2,770			
.....	.....	.....	4		538	.....	538			

§ Ex. small. ‖ Mids. ¶ Small and ex. sm. pups.

TABLE II.—*Abstract of Catalogues of North-West Coast Seal Public Sales, showing which could not possibly, by reason of*

Year.	Date of Catalogue from which Information taken.	North-West Coast Seals.								
		Large Sizes.							Small Sizes.	
		Wigs.	Middlings.	Middlings and Smalls.	Smalls.	Large Pups.	Large and Middling Pups (mixed).	Middling Pups.	Total Large Sizes for the Year.	Middling and Small Pups (mixed).	Small Pups.
1881	Mar. 11. Culverwell	11	122	.....	211	387	.....	454	5,548	..	398
	Aug. 5. C. M. Lampson and Co.	....	.....	.....	132	171	.....	208		36	379
	Aug. 26. Dyster, Nalder	....	54	.....	199	298	24	243		..	390
	Sept. 13. C. M. Lampson and Co.	....	28	.....	451	540	6	477		..	815
	Oct. 28. Hudson Bay Company	8	25	.....	262	648	.....	589		..	689
1882	Jan. 20. C. M. Lampson and Co.	....	.....	.....	25	36	.....	43	6,333	..	74
	Mar. 27. " "	....	.....	.....	16	28	.....	46		..	92
	June 27. " "	....	1	.....	7	10	.....	.....		13	.....
	Oct. 23. Hudson Bay Company	79	143	.....	541	938	.....	628		..	936
	Oct. 23. Dyster, Nalder	2	241	.....	662	812	.....	971		..	1,392
	Oct. 31. C. M. Lampson and Co.	3	2	.....	315	344	15	425		..	1,642
1883	Mar. 19. " "	21	43	.....	39	61	35	132	941	..	281
	Oct. 31. " "	....	.....	.....	32	109	.....	209		13	252
	Oct. 31. Hudson Bay Company	33	14	22	4	71	.....	116		..	95
1884	Mar. 21. C. M. Lampson and Co.	‖ 6	5	.....	59	39	11	102	2,041	..	200
	Nov. 19. " "	3	.....	196	246	408	.....	643		..	1,653
	Nov. 26. Hudson Bay Company	20	4	.....	57	158	.....	84		9	76
1885	Mar. 19. C. M. Lampson and Co.	‖ 42	131	.....	107	321	.....	326	1,825	57	615
	Mar. 30. " "	10	8	.....	28	47	.....	55		31	81
	July 30. " "	....	.....	.....	96	321	.....	333		..	172
1886	Mar. 19. " "	6	.....	18	.....	30	.....	42	8,658	..	47
	Mar. 25. " "	‖ 10	41	9	133	110	21	76		19	213
	June 24. " "	....	.....	67	413	479	.....	459		24	250
	Aug. 31. " "	....	8	133	1,129	1,692	.....	2,108		13	1,385
	Oct. 27. " "	....	.....	53	184	325	.....	398		26	297
	Dec. 13. Hudson Bay Company	31	4	.....	28	55	.....	37		..	58

* Black pups. † Smaller.

Number of different Sizes sold annually in London, and showing Percentage of Skins their Size, be Skins of Bearing Females—Continued.

North-West Coast Seals.						Number of Skins of other Classes included in Catalogue.	Total of all kinds included in Catalogue.	Total of North-west Coast Seals for the Year.	Percentage of Total of Small Sizes to Total of North-west Coast Seals for the Year.	Year.
Small Sizes.					Total of North-west Coast Seals in each Catalogue.					
Extra Small Pups.	Extra Extra Small Pups.	Grey Pups.	Odd Skins, Faulty, &c.	Total Small Sizes for the Year.						
231	.....	.....	14	6,108	1,828	902 Jap. 15 S. S.	2,745	11,656	52.40	1881
324	.....	241	.....		1,491	.....	1,491			
222	.....	96	.....		1,526	.....	1,526			
1,101	.....	415	12		3,845	171 C. H., &c.	4,016			
412	.....	269 *3	61		2,966	.....	2,966			
21	.....	198 †120	1	12,756	513	974 C. H., &c. 84 W. C.	1,576	19,089	66.82	1882
41	.....	321	10		554	39,337 C. I. 19,992 A. 4,193 R. I. 7,422 C. H. 1,467 Jap.	72,965			
.....	.....	243 *1	...		275	2,486 C. H.	2,761			
941	.....	1,281 †87	3		5,577	.....	5,577			
617	.....	608 §566	...		5,871	700 West Aust.	6,571			
1,084	.....	2,461 *3	...		6,294	78,959 A. 595 C. H. 591 W. C. 3 S. S.	86,442			
54	.....	*274	2	2,338	942	36,951 C. I. 19,237 A. 4,106 R. I. 2,946 C. H., &c. 790 Jap. 400 W. C.	65,372	3,279	71.00	1883
367	.....	823	14		1,819	61,567 A. 209 C. H. 203 N. W. C., washed.	63,798			
26	.....	129	8		518	.....	518			
.....	.....	*29	163	5,960	614	1,793 Washed, stale.	2,407	8,001	74.49	1884
1,657	.....	2,055	5		6,856	73,793 A. 613 C. H.	81,272			
37	.....	75	1		521	.....	521			
415	.....	.....	127	1,868	2,141	889 N. W. C. and C. H., washed, &c.	3,030	3,693	50.58	1885
40	.....	7	24		331	28,114 A. 49,078 C. I. 3,644 R. I. 2,804 C. H. 1,148 Jap. &c.	85,119			
114	.....	172	13		1,221	567 C. H. 6 W. C.	1,794			
.....	.....	922 †472	...	7,390	1,537	19,871 A. 41,764 C. I. 6,716 Jap. 1,832 R. I.	71,720	16,048	46.05	1886
.....	.....	4 *212	157		1,005	.....	1,005			
72	.....	388 *1	2		2,155	909 C. H. 167 Jap.	3,231			
374	68	641 *15	...		7,566	1,035 Cal.	8,601			
389	.....	36	6		1,714	102,295 A.	104,009			
290	.....	949	60		2,071	.....	2,071			

‡ Extra small. § Small. ‖ Dry.

TABLE II.—*Abstract of Catalogues of North-West Coast Seal Public Sales, showing which could not possibly, by reason of*

Year.	Date of Catalogue from which Information taken.	North-West Coast Seals.									
		Large Sizes.								Small Sizes.	
		Wigs.	Middlings.	Middlings and Smalls.	Smalls.	Large Pups.	Large and Middling Pups (mixed).	Middling Pups.	Total Large Sizes for the Year.	Middling and Small Pups (mixed).	Small Pups.
1887	Jan. 25. C. M. Lampson and Co..	59	*52 † 167	1,057	4,403	6,254	.....	4,996		..	4,312
	Mar. 17. " " ..	‡ 43	63	.....	391	459	.....	309		..	351
	Aug. 3. " " ..	....	.....	99	617	1,067	.....	1,152	24,031	..	877
	Nov. 8. " " ..	3	10	113	378	546	.....	598		..	559
	Dec. 12. Hudson Bay Company..	5	7	.....	216	597	.....	361		..	440
1888	Jan. 25. Culverwell	....	77	.....	111	123	.....	80		..	70
	Jan. 31. C. M. Lampson and Co..	(‡)	.....	5	19	71	.....	161		..	83
	Feb. 3. " " ..	23	23	136	1,168	2,460	.....	3,688		..	2,522
	June 20. " " ..	22	7	348	1,609	1,475	.....	1,164	20,406	34	789
	Aug. 1. " " ..	2	39	199	619	520	.....	405		10	296
	Nov. 6. " " ..	37	29	483	1,318	1,356	.....	1,267		..	1,278
	Nov. 20. Culverwell	3	10	.....	47	611	.....	691		..	571
1889	Feb. 1. C. M. Lampson and Co..	33	25	1,118	3,658	3,521	.....	3,080		..	2,107
	Mar. 26. Hudson Bay Company..	6	11	.....	164	219	.....	76		..	156
	July 4. Culverwell	....	5	.....	208	540	.....	499		..	626
	Aug. 23. C. M. Lampson and Co..	5	6	88	468	417	.....	382	26,938	20	538
	Oct. 30. " " ..	42	23	302	1,062	1,043	.....	883		..	973
	Oct. 30. Anning and Cobb	18	39	.....	272	489	.....	434		..	494
	Oct. 30. Culverwell	46	619	.....	1,774	3,555	.....	1,808		..	1,719
1890	Jan. 28. C. M. Lampson and Co..	29	3	244	1,523	1,643	.....	1,694		..	1,494
	Mar. 19. Hudson Bay Company..	....	1	.....	52	102	.....	55		..	101
	June 23. C. M. Lampson and Co..	....	.....	10	77	66	.....	66		..	50
	July 30. " " ..	....	.....	10	79	107	.....	100	17,992	..	8
	Oct. 27. " " ..	103	18	1,184	3,145	2,809	.....	2,533		..	2,877
	Oct. 27. Culverwell	8	259	.....	569	857	.....	646		..	700
1891	Jan. 23. C. M. Lampson and Co..	26	23	349	1,641	1,939	.....	2,048		43	1,924
	Jan. 23. Culverwell	5	306	.....	599	1,041	.....	980		..	535
	Mar. 12. Hudson Bay Company..	....	4	.....	59	46	.....	42		..	66
	Mar. 20. C. M. Lampson and Co..	13	4	65	232	275	.....	356	29,701	..	449
	Mar. 20. Culverwell	....	56	.....	75	73	.....	47		..	55
	Oct. 26. "	120	112	2,269	4,210	3,664	292	2,377		305	2,305
	Oct. 26. C. M. Lampson and Co..	52	17	532	1,918	1,922	14	1,898		45	1,874

* Large mids. † Mids. ‡ Dry. § Small. ‖ Black pups. ¶ Smaller.

Number of different Sizes sold annually in London, and showing Percentage of Skins their Size, be Skins of Bearing Females—Continued.

North-West Coast Seals.										
Small Sizes.										
Extra Small Pups.	Extra Small Pups.	Grey Pups.	Odd Skins, Faulty, &c.	Total Small Sizes for the Year.	Total of North-west Coast Seals in each Catalogue.	Number of Skins of other Classes included in Catalogue.	Total of all kinds included in Catalogue.	Total of North-west Coast Seals for the Year.	Percentage of Total of Small Sizes to Total of North-west Coast Seals for the Year.	Year.
3,339	858	72	37		25,606	.....	25,606			
550	428	256	21		2,871	1,109 Washed and pieces, &c.	3,980			
729	971	206 / § 54	.....	15,598	5,781	.....	5,781	39,629	39.36	1887
553	562	162	41		3,525	104,059 A. / 878 Jap., &c. / 255 Cal.	108,717			
185	29	6	.....		1,864	.....	1,846			
18	.....	.....	.....		479	183 Crozet Island.	662			
57	.....	.....	140		536	.....	536			
1,360	418	55	38		11,891	2,042 Jap. / 1,302 C. H.	15,235			
277	17	15	43	11,140	5,800	245 C. H. / 120 S. S.	6,165	31,546	35.31	1888
123	41	27	.....		2,281	2,850 Jap.	5,131			
982	684	1,007	50		8,491	100,016 A. / 512 Jap.	109,019			
119	.....	16	.....		2,068	565 Jap.	2,633			
1,162	253	76 / ‖ 2	92		15,127	1,460 Chile. / 487 C. H.	17,074			
59	.....	28	.....		719	.....	719			
222	.....	.....	.....		2,100	16 South Aust.	2,116			
937	553	57	8	15,087	3,479	.....	3,479	42,025	35.90	1889
950	982	1,766 / ¶ 270	58		8,354	.....	8,354			
299	81	40	.....		2,166	93 Falkland Is.	2,259			
521	.....	32	6		10,080	.....	10,080			
1,033	137	.....	.....		7,800	3,298 Jap.	11,098			
98	.....	44	29		482	.....	482			
70	60	40 / (‖)	25		464	466 C. H. / 59 Mixed.	989			
147	166	64 / ‖ 2	47	11,182	820	1,362 Jap.	2,182	29,174	38.33	1890
2,560	777	39	52		16,097	1,010 L. I. / 390 Jap.	17,497			
383	88	.....	1		3,511	278 Jap. / 119 Aust.	3,908			
1,148	158	9	38		9,366	**1,625 Behring Sea. / 1,874 L. I. / 529 C. H. / 254 Jap.	13,684			
116	.....	.....	.....		3,582	.....	3,582			
18	.....	11	33		279	.....	279			
504	781	763	29	17,506	3,471	5,629 Jap. / 1,396 L. I. / 204 C. H.	10,700	47,207	37.08	1891
.....	.....	73 / ‖ 1	...		380	119 Aust.	499			
1,037	59	76	213		17,039	6,603 Jap.	23,642			
2,338	1,270	962	248		13,090	607 C. H. / 252 Jap. / 136 S. S.	14,085			

** These skins were too fine in quality to be included in the North-West Coast quantity.

TABLE II.—*Abstract of Catalogues of North-West Coast Seal Public Sales, showing which could not possibly, by reason of*

Year.	Date of Catalogue from which Information taken.	North-West Coast Seals.									
		Large Sizes.								Small Sizes.	
		Wigs.	Middlings.	Middlings and Smalls.	Smalls.	Large Pups.	Large and Middling Pups (mixed).	Middling Pups.	Total Large Sizes for the Year.	Middling and Small Pups (mixed).	Small Pups.
1892	Jan. 20. " " ..	44	46	617	1,672	1,452	.....	1,519	35,329	..	1,035
	Jan. 20. Culverwell	79	76	7	1,954	3,932	162	5,271		45	4,595
	Jan. 25. Hudson Bay Company..	1	1	.....	95	96	.....	64		..	105
	Mar. 24. " " ..	2	6	.....	75	173	.....	32		..	59
	Mar. 31. C. M. Lampson and Co..	17	11	33	104	98	.....	125		..	130
	Nov. 1. Culverwell	47	175	.....	1,043	1,898	25	2,065		60	1,395
	Nov. 24. C. M. Lampson and Co..	76	85	1,156	3,646	3,238	.....	3,052		..	2,659
	Nov. 24. Culverwell	11	29	.....	193	400	.....	426		..	488

Dry North-West Coast Seals not included in the large Table, being differently sorted by the Hudson Bay Company.

Date of Catalogue.	Wigs.	Large.	Middling.	Small.	Odd Skins.	Total.
Sept. 1, 1873. Hudson Bay Company.....	Dry 17	301	309	239	25	891
Aug. 31, 1874. " "	" 12	298	171	309	1	791
" 30, 1875. " "	" 17	296	188	812	38	1,351
Mar. 13, 1876. " "	" 5	107	110	92	2	316
Aug. 28, 1877. " "	" 12	246	376	171	8	813
Sept. 2, 1878. " "	" ...	345	266	274	27	912
" 1, 1879. " "	" ...	203	226	469	20	918
Probably corresponding in the large Table to	Wigs.	Smalls and Middlings.	Large and Middling Pups.	Small and Extra Small Pups.		

110, QUEEN VICTORIA STREET, *London.*

Number of different Sizes sold annually in London, and showing Percentage of Skins their Size, be Skins of Bearing Females—Continued.

North-West Coast Seals.										
Small Sizes.										
Extra Small Pups.	Extra Extra Small Pups.	Grey Pups.	Odd Skins, Faulty, &c.	Total Small Sizes for the Year.	Total of North-west Coast Seals in each Catalogue.	Number of Skins of other Classes included in Catalogue.	Total of all kinds included in Catalogue.	Total of North-west Coast Seals for the Year.	Percentage of Total of Small Sizes to Total of North-west Coast Seals for the Year.	Year.
790	153	9	117		7,454	1,731 C.H. 897 Jap.	10,082			
2,913	546	24	369		19,973	.....	19,973			
18	.....	6	24		410	.....	410			
28	.....	50	97		522	.....	522			
61	13	1 *1	38		632	2,193 C.G.H. 279 C.H.	3,104			
456	74	.....	38	18,900	7,276	1,007 Jap.	8,283	54,229	34.85	1892
1,649	415	132	66		16,174	4,348 Jap. 1,826 C.I. 834 S.S. 593 C.H., &c. 2,470 L.I. 82 Aust.	26,327			
221	18	.....	2		1,788	.....	1,788			
								363,131	41.87	

*Black pups.

REMARKS.—In the above Tables, C. I. denotes Copper Island; A., Alaska; N. W. C., North-West Coast; Jap., Japanese; R. I., Robben Island; Cal., California; W. C., West Coast; L. I., Lobos Island; S. S., South Sea; S. G., South Georgia; S. L., St. Louis; Pat., Patagonia; C. H., Cape Horn; C. G. H., Cape of Good Hope; Aust., Australian.

"Washed and dried" skins are those which have been put through a first process, and those placed separately in the present Tables may mostly be looked upon as second-hand goods.

"Dry" skins are those which have been dried in the air by the hunters, without any salt being used. Large quantities of these skins were offered for public sale before the year 1873.

In the above statistics, occasionally a small parcel of salted or dry skins has been omitted on account of the sizes being too mixed, or the quantity too insignificant, for classification.

Before the year 1887 it will be noticed that "Extra Extra Small Pups" were included in the "Extra Small Pup" size in the North-West Coast description, and before 1889 in the Alaska description.

Attention is also drawn to the fact that these Tables only include those skins offered for *public sale* in London. There is no doubt that more or less important parcels of seals from San Francisco and British Columbia have been sold privately from time to time, the sizes of which are thus not to be ascertained.

In the North-West Coast catch have been included those skins of intermediate colouring approaching the Japanese sort. The *exact* source of these can only be absolutely correctly vouched for by captains of vessels engaged in seal-fishing.

(Signed) P. R. POLAND AND SON.

N. B.—The dividing line between "Larger Sizes" and "Smaller Sizes," in Table I, has been drawn through the center of what would be ordinarily classed as "Middling Sizes."

The dividing line in Table II, between "Large Sizes" and "Small Sizes" has been drawn so as to show what skins are too small to be those of bearing females.

(See 10th Census of United States, Elliott, p. 46. Also Appendix, Table to letter from Messrs. Lampson, vol. ii, p. 262.)

261 LETTERS FROM MESSRS. LAMPSON.

64, QUEEN STREET, *London, December 21, 1892.*

GENTLEMEN: We are in receipt of your favour of the 16th instant, and in reply to your inquiry regarding the classification of salted fur-seal skins, we have the pleasure to inclose herewith a Table showing the measurements and average weights of the three principal kinds offered at our public sales. In explanation of these, we would point out that, in assorting fur-seals for size, we are guided mainly by the measurement, but we do make some allowance for the weight, *i. e.*, if a skin, although having the proper measurement, is exceptionally heavy, it would be classed in the size above, and if exceptionally light, in the size below.

You will notice that the Alaska skins, viz., those from seals taken on the Pribyloff Islands, and shipped formerly by the Alaska Commercial Company, and since 1890 by the North America Commercial Company, are assorted on the largest pattern. The Copper Island skins, viz., those from seals taken on the Komandorsky Islands, and shipped formerly by Messrs. Hutchinson, Kohl, Philippens, and Co., and since 1891 by the Russian Seal-skin Company, are assorted on a somewhat smaller pattern, being narrower. The North-west Coast skins, viz., those from seals taken at sea either in the North Pacific or Behring Sea, are assorted on a still smaller patern, being still narrower than the other kinds, more particularly towards the heads.

As regards the nomenclature of the various sizes, you will understand that the "wigs" are the largest skins; "middlings" the next; "middlings and smalls" form the intermediate size between the "middlings" and the "smalls," and although the name of "middlings" and "smalls" might lead you to expect two sizes, it refers to one only. Then follow "smalls," "large pups," and so on to the "extra extra small" and "grey pups," of which a proportion is found in the North-west Coast seals. The Alaskas and Coppers do not, as a rule, contain any of these smallest sizes, nor any "wigs."

We are unable to answer your inquiry as to in "what class in the sale catalogue would be placed a skin classified on the islands as, say, a 7-lb. skin," as we do not know whether the classification you mention refers to the skins as taken from the animals, or after they have been cured and salted ready for shipment. The process of curing and salting must of necessity add to the weight.

As far as the Alaska and Copper skins are concerned, the weights of the different sizes vary but very little from year to year, as the natives who flay the seals leave on the skins about the same quantity of blubber, and use about the same quantity of salt; but with regard to the North-west Coast skins, the weights at times differ considerably, according to the quantity of blubber left on the pelt and the quantity of salt used in curing. Generally speaking, we have noticed for some years past that more and more blubber has been left on this class of skins, and you will notice that the average weights of the larger sizes of this season's take are even greater than those of corresponding sizes in the Alaskas and Coppers.

There is no fixed rule as to sizing fur-seal skins, and we give you the measurements and weights of skins as assorted by us. Other houses, when assorting fur-seals, are most likely to have their own standards, probably differing somewhat from ours.

Yours truly,

(Signed) C. M. LAMPSON AND CO.

Sir GEORGE BADEN-POWELL, *K. C. M. G., M. P., &c., and*
Professor DAWSON, *the Foreign Office.*

262 *Salted Fur-seal Skins as assorted into Sizes by C. M. Lampson and Co., London.*

		Alaska.				Copper.				North-West Coast.			
Size.	Trade name.	Weight.	Length.	Breadth.	Circumference.	Weight.	Length.	Breadth.	Circumference.	Weight.	Length.	Breadth.	Circumference.
		Lbs. oz.	*In.*	*In.*	*In.*	*Lbs. oz.*	*In.*	*In.*	*In.*	*Lbs. oz.*	*In.*	*In.*	*In.*
	Large Wigs	.....	.....	.....	.....	.....	.....	.....	.....	34 0	58	42	156½
	Small Wigs	.....	.....	.....	.....	.....	.....	.....	.....	23 0	52	40	144½
Large	Middlings	13 12	50	34	123	13 11	49½	31¾	129	14 6	47	30	125
	Middlings and Smalls	11 1	46	32¼	126	11 0	46	29	121	11 3	46	28	117
	Smalls	9 2	39¾	29	111½	8 14	39½	27½	108	9 8	39½	27	104¼
Middling	Large Pups	7 13	38¾	26	105¾	7 7	38¼	24¾	101½	8 2	38¼	24	100
	Middling Pups	7 0	35½	25½	100½	6 10	35¼	23¼	93	6 12	35	22¼	91
	Small Pups	6 2	33¾	23¼	93	5 12	33¼	22	91	5 10	33	20¾	86½
Small	Ex. Small Pups	4 15	30	21¾	83	5 3	29¾	20¾	81	4 11	29½	19½	79
	Ex. Ex. Small Pups	.....	.....	.....	.....	.....	.....	.....	.....	3 13	26½	18⅜	71¼
	Grey Pups	.....	.....	.....	.....	.....	.....	.....	.....	3 0	24	17	67

263 64, QUEEN STREET, *London, January 13, 1893.*

DEAR SIR: Referring to our interview on the 11th instant, I have since endeavoured to obtain information as to the quantity of fur-seal skins received by the late firm of J. M. Oppenheim and Co. from the old Russian Fur Company between the years 1864 and 1868, when Messrs. Oppenheim's contract expired.

Without being able to give exact figures, I am inclined to believe that the quantity which I stated in my deposition given to the United States Commissioner as 20,000 skins in 1864, gradually increased annually, reaching in 1868 as many as 50,000 skins. I should add that these were exclusive of the 10,000 (more or less) dry skins received by Messrs. Oppenheim every year.

I beg now to inclose herewith corrected and supplemented statement, showing not only the quantities of salted fur-seal skins received by my firm from the Alaska Commercial Company and North American Commercial Company during the years 1870 to 1892, but also showing when these skins were disposed of by my firm at public auction.

I was sorry to find that the statement attached to my deposition was not sufficiently clear, as it might lead one to suppose that the quantities up to the year 1886 referred to the numbers sold, whereas they referred to those received by my firm, but not entirely disposed of in the same year in which they arrived. You will also please notice that the regular catch of 1890 consisted of 20,994 skins, and was disposed of in October, 1890. My firm also received in this year 4,158 skins, taken, previous to the expiration of the Alaska Commercial Company's lease, by the natives for food, but shipped by the North American Commercial Company, and these were sold in January 1891. The 1891 catch, erroneously given as 4,158 skins, really amounted to 13,494 skins, and was, as you will notice, sold in that year, whereas the 1892 catch, amounting to 7,554 skins, had not been taken when my deposition was made.

Yours truly,

(Signed) EMIL TEICHMANN.
(Of the Firm of C. M. Lampson and Co.)

CHARLES RUSSELL, Esq.,
Behring Sea Arbitration, Foreign Office.

264 [Inclosure to Letter of January 13, 1893.]

Salted Alaska Fur-Seals sold in London.

Catch of—	Skins.	Skins sold.	Date.		Total Skins sold.	
						Year.
1870	9,965	* 5,962		1871	43,404	1871
		4,003	November	1871		
1871	100,896	33,439	"	1871		
		27,399	January	1872	123,927	1872
		40,058	July	1872		
1872	96,283	56,470	December	1872		
		39,813	April	1873	103,324	1873
1873	103,724	63,511	December	1873		
		40,213	March	1874	100,018	1874
1874	99,150	59,809	November	1874		
		39,341	March	1875	100,290	1875
1875	99,634	60,949	November	1875		
		38,685	March	1876	90,226	1876
1876	90,267	51,541	November	1876		
		14,320	March	1877	72,259	1877
		24,406	November	1877		
1877	75,410	33,533	"	1877		
		41,877	March	1878	115,582	1878
1878	99,911	73,705	November	1878		
		26,206	March	1879	101,762	1879
1879	100,036	75,556	October	1879		
		24,480	March	1880	104,602	1880
1880	100,161	80,122	October	1880		
		20,039	March	1881	99,889	1881
1881	99,921	79,850	November	1881		
		20,071	March	1882	100,150	1882
1882	100,100	80,079	October	1882		
		20,021	March	1883	80,064	1883
1883	75,914	60,043	October	1883		
		15,871	March	1884	87,742	1884
1884	99,994	71,871	November	1884		
		28,123	March	1885	108,110	1885
1885	99,874	79,987	November	1885		
		19,887	March	1886	119,834	1886
1886	99,947	99,947	October	1886		
1887	99,949	99,949	November	1887	99,949	1887
1888	100,037	100,037	November	1888	100,037	1888
1889	100,031	100,031	October	1889	100,031	1889
1890	20,994	20,994	October	1890	20,994	1890
	† 4,158	4,158	January	1891	17,652	1891
1891	13,494	13,494	October	1891		
1892	7,554	7,554	November	1892	7,554	1892

* Taken before the Alaska Commercial Company's lease commenced.
† Taken for food by the natives before the Alaska Commercial Company's lease expired.

(Signed) EMIL TEICHMANN.
(Of the Firm of C. M. Lampson and Co.)

LONDON, *January 13, 1893.*

265 MEMORANDUM OF MR. G. GLEADOWE, OF THE BRITISH TREASURY DEPARTMENT, ON THE GENERAL CONDITION AND CHARACTER OF THE CANADIAN SEALING FLEET.

In April and May 1892, by direction of the Lords Commissioners of Her Majesty's Treasury, I visited British Columbia with the object of inquiring into the amount of damage sustained by the Canadian schooner owners by reason of the *modus vivendi* of 1891 having been put in force after the commencement of the sealing season. In the course of my inquiries I personally inspected a considerable number of the sealing fleet, and came in contact with a large number of schooner owners, captains of vessels, and others engaged in the industry, and I, as far as possible, made myself acquainted with the sealing industry and the men engaged in it.

As a body, the schooner owners have impressed me very favourably. Some of them are old sailors who have invested their savings in a schooner, and sail with her themselves, but the majority are men engaged in trade, who have fitted out schooners as they would invest their money in any other speculation. The earlier sealers were mainly men of the former class.

As regards their nationality, I went out under the impression that I should find that many were not British subjects. I found, however, that there is very little foundation in fact for this impression. Even the mortgagees are, in nearly every case which has come under my notice, British subjects.

As regards the schooners, I was much impressed with the excellence of the way in which, as a general rule, they are built and found in every respect. Compared with craft of a similar tonnage in other industries, they are expensively fitted out, and everything about them appears good, more like a yacht's than a fishing boat's. No doubt in many cases boats that would serve the purpose well enough could be got for a smaller sum than these schooners have cost, but the competition for skilled hunters has been so great, and the trade so profitable, that a sealer thought nothing of spending a few extra hundreds or even thousands of dollars to obtain a vessel so built and fitted out as to attract the best and most successful men. The cost of building a vessel in British Columbia is very high, and many are built or bought in Nova Scotia, and brought round the Horn in the winter, so as to be at Victoria in time to refit for the spring sealing. This is no trifling voyage for a 50 or 70 ton schooner, and everything must be of the best to secure the success of the venture. Even so, a vessel so obtained comes cheaper than one built locally, but many owners have preferred to pay a higher price and employ local labour, in this way also insuring their vessel being ready for a full season's fishing, which in the case of a schooner coming round the Horn in the winter cannot be reckoned on. I have seen in several cases the bills showing the whole cost of the construction and fitting out of a schooner, and while I cannot but consider the cost of some very high, it is difficult in such cases to appraise the value at any lower figure.

The best and most lasting vessels come from the eastern States of Canada or America, or from Yokohama or some other port in Japan. These are built, as a rule, of hard wood, and may last for thirty or forty years, or even more. At the same time, the cost of building a vessel in the East or in Japan is appreciably less than it is at Victoria or Vancouver, where labour is both dear and inefficient. The wood used for shipbuilding at these ports is either Douglas spruce, or, in a few

cases, cedar, both of which are soft woods, whose durability is very doubtful, especially in seas where the teredo abounds.

The following list of schooners, as to which I made inquiry, shows the date and place of building:

Built.	Schooner.	Place where built.	Built.	Schooner.	Place where built.
1891	*Ainoko	Yokohama.	1886	*Walter A. Earle	San Francisco.
	*Vancouver Belle	Vancouver.	1885	*Annie E. Paint	Nova Scotia.
	*Eliza Edwards (St.)	Ditto.		Viva	Ditto.
	*C. D. Rand	Ditto.	1884	E. B. Marvin	Ditto.
	*Beatrice	Ditto.		*Geneva	Ditto.
	*May Belle	Victoria.		Sapphire	Ditto.
	*Carlotta G. Cox	Ditto.		*Oscar and Hattie	Ditto.
	*Labrador	Vancouver.	1883	Teresa	San Salvador.
1890	*Thistle (St.)	Ditto.		Ocean Belle	Nova Scotia.
1889	Minnie	Victoria.		Annie C. Moore	Newfoundland.
	Sea Lion	Ditto.		Penelope	Yokohama.
	*Hesperus	Vancouver.	1882	G. P. Sayward	Victoria.
	*Otto	Nova Scotia.	1877	Walter L. Rich	Maine, U. S. A.
1888	Aurora	Mayne Island, B. C.		*Laura	San Juan.
	C. H. Tupper	Nova Scotia.		Beatrice (Shanghae)	Yokohama.
	Venture	Vancouver.	1875	Mary Taylor	Utsalady.
	*Umbrina	Nova Scotia.	1872	Wanderer	San Juan.
	*Carmolite	Vancouver.	1869	Winifred	Whatcom, U. S. A.
1887	Triumph	Nova Scotia.	1868	Ariel	Nova Scotia.
1886	Maggie Mac	Ditto.	1863	Mary Ellen	San Francisco.
	*Rosie Ohlsen	Oregon, U. S. A.	(1)	Katherine and Ethel (American).	Not known.
	*Maud S	Nova Scotia.			

[1] Not known.

266 So far as I could ascertain, the schooners marked with an asterisk include all those which were either quite new or newly fitted out for the sealing industry.

As regards the average cost per ton, it is very difficult to form an accurate estimate, the value of the schooners differing greatly, some costing in their original construction as low as 53 dollars per ton, others as much as 145 dollars per ton.

I think, however, that the average would be about 106 dollars per ton for hull, spars, sails, and rigging, and exclusive of outfit, &c. I do not mean they would be worth these values to sell, for many are built specially for the purpose of the trade, with accommodation for twenty or thirty men, which practically takes up the whole space below, and they are all fitted in a way which would be out of place in an ordinary fishing or trading schooner, but I do not think for sealing purposes vessels equally well built and found could be obtained for a less price.

The men employed on a schooner are paid, some by fixed wages, some by commission, or "lay," on the skins taken, and some by both. Thus the cook and seamen are generally paid wages only (and those high wages, from 30 dollars to 50 dollars a-month besides board, &c.,); the hunters, whether white or Indian, are paid by lay only, the amount of which varies from 1 dol. 50 c. to 3 dol. 50 c. a skin, or even more, the average being about 3 dollars. Hunters are paid according to their real or supposed efficiency, and there is considerable competition amongst the different owners to get the best men. In point of lay, there is no great difference between the rates paid to Indians and to white men, and a good hunter may easily make from 1,000 dollars to 1,500 dollars in a season. The Indians used to be less particular than the Whites about their victualling, but now all, whether White or Indians, expect everything to be of the best, and, to judge from the bills which I have seen, they can enforce their wishes in this respect.

The captain and mate are paid mainly by wages, but have also often, in addition, a small lay on the skins taken. A captain often gets 30

dollars a-month, and 25 cents, or even 50 cents, on every skin taken by the schooner; and the mate as a rule has 40 dollars or 50 dollars a-month, and a lay on every skin taken by the stern boat, which is specially in his charge. Where no lay is given, a captain will get higher wages, in some cases as much as 100 dollars a-month. In a few cases the seamen have a lay of a few cents a skin besides their wages.

A captain often commands the same schooner year after year, and I have seen cases in which the crew and hunters re-engage in the same vessel in consecutive years; but, as a general rule, the end of the voyage is the end of the man's connection with the ship, and if he goes sealing again it is far more likely that he will go in another schooner than in the old.

In many cases, the enforcement of the *modus vivendi* deprived the hunters of their only means of livelihood, and I cannot but fear, from what I heard from the Indian Agent at Victoria, that very great distress resulted in many of the Indian villages up the coast from the prohibition. The number of Indians employed in the industry is considerable, being less than one-third of the whole.

I found widespread dissatisfaction among all engaged in the sealing industry at the enforcement of the *modus vivendi*. The schooner-owners went indeed so far as to propose and enter into some preliminary negotiations for the transfer of the whole Canadian sealing fleet to the German or Italian flag.

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